

THE

## DUBLIN REVIEW.

DECEMBER, 1849.

ART. I.—*The Rambler*, for June, July, August, and October, 1849.  
London, Burns.

WE rejoice in an opportunity of bearing our humble but very sincere testimony to the value of this excellent publication. It occupies a province of its own in our periodical literature, far exceeding in depth and solidity the ordinary run of magazines, yet preferring no claim to the more sustained character of a Review. Although embracing many of the advantages of all the various classes of Periodicals, it actually clashes with none, and maintains, in a spirit of commendable moderation, a place which is ceded to it without rival pretension. We hear with pleasure, though without surprise, that the *Rambler* is hardly less popular with the more religious and intelligent among Protestants, than with the members of the Catholic community. Although never blinking the fundamental differences of principle, because of faith, which separate us from all heretics and schismatics, even those who on private judgment receive many of our doctrines, it discusses the questions at issue with a candour and largeness of allowance, which cannot fail to ensure it a favourable hearing with all except those who are unreasonable and unphilosophical enough to consider, that the ends of Christian charity are best consulted by some relaxation of doctrinal or ecclesiastical strictness. As we have now said enough in praise of the *Rambler* to prove our hearty goodwill towards it, and as it may be well to relieve our very sincere encomiums from all suspicion of favouritism, we will add one, and but one qualifying comment. The fic-

titious and facetious strikes us as the line in which our friends are the least successful; and in addition to faults of infinitely less importance, we observe an occasional tendency to sentimentality, especially to be shunned in a work which is intended, and well calculated, to produce a healthy tone among the rising generation in our ecclesiastical seminaries.

Among other subjects of great public interest, to the discussion of which the *Rambler* has lent its interesting pages, has been that of the Offertory, as one among many conceivable methods of providing for the pecuniary exigencies of the Catholic Church in England, despoiled, as it has been, of all its ancient and hereditary resources, actually disowned by the civil power, at least as a dominant establishment, and thus (it may be happily) compelled to throw itself, according to the precedent of its earliest ages, upon the faith and filial piety of its own children.

The question was opened in the *Rambler* in the form of an editorial paper on "the Offertory." This gave rise to several Letters from individual priests, communicating the results of their own experience; among which we have great pleasure in drawing attention to the interesting one of the Rev. F. Betham, of Newcastle-on-Tyne, contained in the *Rambler* for October last. Leaving the reader to form his judgment of these several arguments and testimonies, we shall proceed to offer him our own humble views of the subject, without any regular analysis of the discussion in the *Rambler*, though not without considerable drafts upon the fund of information with which that discussion supplies us.

How is provision to be made for the service of our holy religion, the maintenance of its clergy, the sustentation of its fabrics, the celebration of its offices, and the relief of its poor? This is the question to which various replies may be addressed. But all the conceivable methods of meeting the necessity in question resolve themselves ultimately into these—the compulsory, the semi-compulsory, and the purely voluntary. Under the first of these heads we reckon the actual collection of tithes and church-rates in the Establishment; under the second, that by which money is exacted as a condition of entering a church; while the offertory and its kindred modes will fall under the third.

We need hardly state, that the resources on which the *Establishment* depends are, 1, Tithes and rates, enforced

by law. 2. Dues; in which we include the customary Easter payments, (misnamed offerings,) and the fees consequent upon parochial ministrations. 3. Endowments of land, commonly annexed to the benefices, and often to the churches, as a provision for repairs, or otherwise for the maintenance of religion. 4. Church-rates, applicable exclusively to the church and its services. For the purposes of charity, as distinct from those of religion, (except in the comparatively rare cases where schools or alms-houses are endowed as appendages to the establishment,) there is, strictly speaking, no ecclesiastical provision at all; for the plain reason, that in the Protestant system the Poor are not recognized as part of the treasure of the Church as such.

In contrast to this ample allowance for the necessities of the state-religion, the ancient Church of this country, forced out of its rightful pre-eminence, is destitute of all exterior aid, and is thrown for its maintenance entirely upon its own (we need not say how inadequate) resources. With a weight of responsibility incomparably greater than is ever claimed, far less discharged, by the Establishment or any other sect in existence, the Church possesses none of those "ways and means" which we have just enumerated; neither tithes, nor rates, nor endowments, nor fees and dues, of which it can *enforce* the payment. How marvellous, verily, are its performances, when compared with these scanty appliances! Let us but for a moment contrast it in both respects with the religion of the State. First, as to its resources. The Catholic Church is entirely, or almost entirely, dependant upon *voluntary* support. Setting aside as too insignificant to bear upon the argument, those very few and very limited endowments by which, here and there, the pittance of a Missionary priest is eked out, or the income of a seminary enlarged to the extent of enabling the maintenance of one or two additional students, how entirely destitute are we of all, except occasional and purely precarious, means of carrying out the great ends of our Religion! If in some obscure parish of the Establishment, on some single occasion, the customary rate is refused, straightway "the friends," as they are called, "of the Church" are in arms, appealing to their brethren for sympathy, and resorting to the law for protection. If the Universities, those store-houses of ill-gotten and ill-spent wealth, are threatened with even so

much as a parliamentary inquiry, there is the Chancellor in one House of Parliament, and the two Burgesses in the other, to deprecate the interference; and a host of dignitaries and well-conditioned gentlemen to plead for the preservation of academical endowments in their existing integrity; the one class having been helped by them to their benefices or their bishoprics, the other looking to them as a provision for younger sons. The Catholic Church, meanwhile, has all the privations of poverty to encounter, with all the disadvantage of a reputation for wealth. She has no avenues to the powerful, no friends at court, nor patrons in parliament—the while she is supposed to thrive upon the exactions of the Confessional, and to be replenished in her need from the coffers of the Propaganda!

What a marvel is it, we repeat, that the Church does so much upon so little! First, as to her available resources. These consist (with the trifling exception lately implied) in 1. Annual seat-rents. 2. Money paid for admission at particular services. 3. Easter offerings. 4. Offerings for masses and other benefits. 5. Money put in poor or church-boxes. It must be added, that the members of the Catholic Church in our large towns are, for the most part, not above the middle, and chiefly of the poorer class; and that those of the highest order who belong to our communion, do not, (from whatever cause and with whatever great exceptions,) contribute to her necessities in proportion to their reputed means. The tales of money derived from Rome, or exacted for the administration of sacraments, we need hardly say, are pure inventions. The resources which are at the command of the Roman Court for foreign purposes, may be estimated by recent disclosures of its necessitous condition at home; and as to the Propaganda, it possesses, for the supply of missions all over the known world, about a quarter of the revenue from which the "Society for the Propagation of the Gospel" does *not* propagate the Gospel, or any thing at all like it, even within the limits of the British empire. We need hardly stop to meet the calumny about fees for the administration of sacraments. Any priest who were even to receive, and far more to demand, a payment for hearing a confession, would incur instant suspension from his office; and all *exactions* of money for the administration of Baptism, are likewise, as we shall afterwards see, prohibited.

And now out of this scanty treasury, the produce after

all of purely voluntary contributions, let us see for what the Catholic Church in England engages to provide, and what she actually effects. Let us take London, for example, and consider, that the *minimum* of work done by our Priesthood upon these straitened means, is greater than the *maximum* which is ever secured by the great wealth of the Establishment. We exclude one or two proprietary chapels of the Church of England, where, by dint of zeal worthy of a better cause, results (at least *external*) are effected more analogous to some of the fruits of our own Missions. But taking the fairer case of the parish churches in London, to which shall we point as even coming into the field of comparison, in religious and charitable results, with the less conspicuous of our own establishments? First, as to the celebration of religious services in the churches themselves. How rarely are these buildings opened for any such act of worship except once in the week; and then with what a difference from the case of Catholic churches as to the demand made upon the physical powers of the clergy! In a church, for instance, where there shall be a rector and at least two assistants, it is felt to be a sufficient, or rather a full, discharge of ministerial responsibility, if two services are given and two sermons preached on the Sunday. Till eleven o'clock in the forenoon of that day, there is absolutely nothing to encroach upon the domestic comfort of our well-paid incumbent. He may rise after the sun even in winter, enjoy his breakfast at leisure with his family, spend by the side of the vestry fire the hour during which his curates are engaged in reading the morning service, then issue forth in all the pomp of rectorial dignity to take the "north side of the communion table," and in due course ascend the pulpit, and there preach, it may be, an old sermon. Yet this shall be a specimen of a very respectable clergyman, whose performance of his duties exposes him to no episcopal animadversion and no public criticism. Compare with this amount of duty the Sunday of one of our own priests in a town mission. After having been occupied the evening before till nine or ten o'clock in hearing confessions, and possibly called up in the night to visit the dying, he may have (if in a single-handed mission) to "duplicate" in the Holy Sacrifice, or at any rate to say the late Mass; either of which contingencies presupposes that he remains fasting till one in the afternoon, with, it may be, a sermon to

preach, and confessions to hear in the interim. Then, while the church of the Establishment generally remains closed during the week, (with perhaps an occasional exception on the Wednesday and Friday,) every Catholic chapel in London is always and necessarily opened for daily mass, with the chance of confessions before and after. When from the duties of religion we pass on to those of charity, the disproportion between the two cases is still more apparent. We record it with something like indignation, that there are undoubtedly clergymen of the Establishment in London, (and they not a few,) or rather we might say the majority, who never enter the dwellings of the poor from one year's end to another's. We know as a fact, capable of demonstration, that even in parishes where some sense of ministerial responsibility prevails, the communicants among the poor do not average one in a hundred, nor is it felt a matter of reciprocal obligation between the clergy and the parishioners that the sick should be visited on their death-beds. In these thickly peopled districts, to speak generally, none seem to care for their soul's health except the Catholics and the Dissenters. The rest either know not what it is to be of a particular creed at all, or call themselves Church-people in contradistinction to "Papists and other fanatics;" not as expressing any positive belief, but rather as a negation of all distinctive religion. In times which, whatever their drawbacks and shortcomings, are characterized very remarkably by a sense of justice, we hold it to be morally impossible that an institution of which religion is the professed aim, and these the ordinary fruits, should be long allowed, upon the mere plea of vested rights, to retain a monopoly, or even a preponderating share, of funds which are either holden (if endowments) as a *trust* for great public purposes, or (if tithes) are received as a condition of reciprocal benefit.

On the other hand, let us continue to observe what the Catholic Church manages to achieve in spite of all her disadvantages. Besides keeping up the Daily Sacrifice, which is her point of distinction from all Protestant communions, and thus at the same time giving to all her children the opportunity of daily participation in the Sacrament of the Blessed Eucharist, her priests are ever ready to respond to the call of the sick and dying. Their leisure is farther invaded by the duty, peculiar to them, of hearing confessions, and occasionally also, of preparing converts.

And while they have these labours and functions in addition to such as appertain to the Protestant minister, they do not fall behind him in those duties which constitute his principal or only work. Like him, they have sermons to prepare, children to catechize, and schools to visit; with these differences, that their spiritual charge is ordinarily greater than that of individual clergymen of the Establishment, and that they are obliged, under pain of sin and censure, to do what the Protestant minister may neglect without notice, and often actually neglects without compunction. Now we have no wish to deprecate the poverty of our clergy; quite the reverse. But in days when services and wages are estimated upon the strict principle of a *quid pro quo*, we venture to ask of sensible and equitable men, not whether it be fair that our clergy should be so ill-recompensed for doing so much, (their recompense is not of this world,) but whether it be tolerable that the ministers of the Establishment should be paid as they are, for doing so little, nay, that their incomes should generally proceed in an inverse ratio with the amount of their services?

But we have not completed our enumeration of the benefits which the Catholic Church confers upon the community at large. The labours of the clergy form but an item in her great work of spiritual and corporal charity. There are at this moment in London and its immediate neighbourhood, some dozen or more institutions of mercy, whereby "the ills that flesh is heir to" are relieved in ways very obvious to the understanding, and very accessible to the cognizance of the "benevolent and humane" portion of society. There are the good sisters of Bermondsey, ministering to the comfort of the destitute. There are the Religious of Somerstown or of Norwood, supplying the place of mothers to the orphan. There are the nuns of Hammersmith, performing the office of the "Good Shepherd," by gathering the sheep from the desert into the fold from which they have strayed; and doing that work of their Divine Master on earth, the work of reclaiming the impure, which none are fitted to do but those who take the Mother of all purity for their model and their patroness. All, or most of these institutions depend for their support upon the *voluntary* liberality of the faithful. Where are the revenues which Catholics bequeathed for these and similar "pious and charitable uses?" Hear it, all ye saints of God, who mourn over the desolation of that once

favoured Isle which nurtured you! Hear it, ye martyred prelates, and ye royal Confessors; meek  $\alpha$  Becket, and Edward, follower of the Virgin-Spouse! Those hallowed offerings, from which religion and charity were meant to rekindle their dying fires, are now the fuel of vanity and sinful profusion. It is not the widow in very deed, the watcher in the Temple, the "Anna" of the Christian Church, who is now the recipient of a founder's bounty, but the "sole executrix" of some affluent archbishop. It is not the thousand orphans who are the gainers by the self-denying liberality of our Catholic ancestors, but the one richly dowried daughter of him who usurps the place of the celibate. It is not the meek lay-brother or holy student who prays for the soul of his benefactor, while in singleness of heart he partakes of the frugal portion which he owes to that benefactor's munificence; no, it is the pampered lacquey who now thrives upon the plunder of the Church, while his richly beneficed master is congratulating himself with his guests upstairs upon the blessings of the Reformation, denying the doctrines to which he owes his livelihood, and slandering the Church amid whose spoils he thus thanklessly luxuriates.

We have included the convents among the institutions through which the Church works upon the people, because they, like our churches and chapels, are almost entirely dependent upon individual charity, and thus enter fairly into the scope of our present argument, the object of which is to contrast the relative resources and the relative services of the Catholic and the Established communions. But, as our concern is now with the maintenance of churches and chapels alone, we shall henceforth narrow the discussion, so as to exclude from it the case of all establishments except those which bear directly upon the work of our secular Missions, whether viewed in the point of worship or of charity. We will ask the reader to turn back a page or two to our enumeration of the several available resources of our Missions, which we shall now proceed to consider in detail, in order to adjust the question between them on the one hand, and that method of raising money on the other, by which many are sanguine enough to think that the place of several of them might be supplied—the Offertory. The question then is, which of the aforementioned "ways and means" of the Church is unobjectionable in principle, and productive in effect, and how far

may we expect that the "Offertory" (an undoubtedly religious and ecclesiastical mode of assisting the Church, (*if* experimentally proved to be adequate to her necessities,) will in course of time supersede any one or more of them?

The first expedient for supporting our missions, to which we adverted, was the letting of seats by the year. To this we can see, under actual circumstances, no material objection, if only the practice were qualified by two conditions, one of which is this: that the right to the sitting should be forfeited by the absence of the owner. In no place of public resort, that we ever heard of, except churches and chapels, are persons allowed to retain a right over the seats which they decline to occupy. In theatres, as almost every one knows, there is always a period in the performance after which the seats become public property. What obtains in places of mere amusement, ought at least to be the rule in places of Divine Worship. At any rate, let the protestants have the unenviable distinction of lock-up pews; such infringements upon Christian liberty belongs not to the free and generous spirit of our holy Religion. Moreover, there is a manifest difference between the views which we and the protestants respectively take of the nature and obligation of Divine Worship. With them, attendance at church is mostly a thing of curiosity or custom, which may be omitted once in a way without serious consequence. But every Catholic is bound to assist at one Mass on the Sunday *under pain of mortal sin*. This consideration immensely aggravates the guilt and scandal of the practice, unhappily too common even among Catholics, of objecting to the free use of their "sittings" in their absence. We do not hesitate to say, that the grave responsibility of Masses of obligation lost through this needless and vexatious exclusion, is transferred from the poor thus disappointed of their rightful inheritance, to those who keep them out of it. The only plausible excuse which we have heard assigned for this monopoly, is founded on the uncleanly habits of a large proportion of the poor. That we are not insensible to the force of this objection will presently appear; meanwhile it is evident on the very surface that a mere physical repugnance of this nature can be no sufficient reason for the neglect of so obvious a duty of spiritual charity. We have understood that at the Oratory of St. Philip Neri, in King William Street, an arrangement prevails, which shows that the reservation of

seats is not inconsistent with the accommodation of the poor. The regular attendants at the chapel are provided with free tickets of admission, a privilege to which they are fairly entitled in a chapel unfortunately too small to receive a tenth part of the Catholics who are anxious to attend it. But if the ticket-owners do not present themselves a quarter of an hour before the commencement of the service, they forfeit their claim to their seats, which are then thrown open to the public. This plan has several advantages. It not merely gives the poor the opportunity of hearing Mass to the extent to which the room is available, but it ensures timely attendance, and prevents the confusion which would result from a rush for the vacant places after the service has begun.

Another condition which we hope to see imposed upon the proprietors of seats, if such proprietors there are to be, is, that their reserved places should not necessarily, or exclusively, lie in the foremost parts of the church. The desire of precedence in the house of God, even when founded in superiority of rank, (but far more where claimed on the score of wealth,) it must be plainly said, and in the teeth of whatever offence, is one of the infallible marks of a vulgar and half-educated mind. True nobility is ever reckless of such distinctions. Great men feel their dignities a burden; little men like to draw attention to them. To great men it is a relief to find themselves where they can forget their greatness; to little men it is a pleasure to be where the notice of the world enables them to forget that they are really little. The present Queen of Belgium is commonly seen at Mass in the midst of the poorest, nowise distinguished, either by dress or following, from the subjects with whom she mingles. And we are sure that there are those among our own aristocracy who would hail the opportunity of imitating such an example. If the uncleanness of the poor be any serious difficulty, they might be accommodated in a different, provided that it were also an equally prominent, part of the church. The substitution, however, of chairs for benches would obviate all such inconvenience, and secure that air of perfect equality among ranks, which is by no means an unimportant feature in the arrangement of churches.

We come now to the next among the sources of revenue to our churches and chapels—the exaction of money at the door. There is perhaps no part of our church and chapel

system, (next to our musical arrangements,) which has given more scandal to religious Protestants, and especially to members of the Church of England well disposed to us, than the practice of levying a contribution upon the attendants at our religious ceremonies. These respectable objectors regard it as a bar upon Christian liberty; they contend that it militates against the true idea of a place of Divine Worship, converting churches into theatres, and the solemn acts of religion into mere objects of popular attraction. In how much of this objection we ourselves actually agree will presently appear; meanwhile we must ever feel that such observations come with a peculiarly bad grace from those who are in possession of the Catholic endowments, which would supersede all necessity of any such undesirable expedients for maintaining what must be maintained. The comparison between our poor unendowed missions, and the well-paid churches of the Establishment, is evidently an unfair one; as we have already observed, we Catholics have great ends, both devotional and charitable, to meet, with no one of those hereditary or legal provisions for the Church, its ministry and ordinances, which form the main-stay of the Protestant Establishment. If, on the contrary, the comparison be instituted, where alone it is even tolerably just, between our chapels, on the one hand, and the *unendowed* places of worship in the Church of England on the other, we cannot see in what way it is so disadvantageous to ourselves. The ordinary mode of meeting the expenses of the unendowed chapels in London, whether Anglican or dissenting, is by means of seat-rents; and surely there is no difference in principle, whatever there may be in idea, between getting this revenue together by means a periodical collection from house to house, or by an application for money at the door of the church. The difference between our mode and that which prevails in the London chapels "of the separation" is merely this: that the shilling which we exact at the entrance, is elsewhere claimed as a fee by the pew-opener. Yet we are not denying, that in appearance our system is the worse of the two.

So much, we think, may fairly be said in defence or extenuation of the existing practice, or, at any rate, in the way of demur to the seemliness of any objection raised against it by the members of a wealthy and prosperous Establishment. But it is quite another thing to say that

the practice is *per se* a desirable one; we protest against our observations being understood in any such sense. It is stern necessity which has led to its adoption. A sad experience has proved that many who can well afford it, and who will not hesitate to pay a given sum, to secure a convenient seat, if placed in it gratuitously, will give nothing like an equivalent as a voluntary offering. The blame of our present system lies not with the clergy, but with those who compel them to adopt a plan which none like less than they. Even, too, were the practice free from all intrinsic objection, it could never be otherwise than painful to religion in some of its almost necessary concomitants. One of these is the danger of investing with arbitrary power, the kind of persons who alone are likely to undertake the very onerous and thankless office of collectors. It would be paying too high a compliment to human nature, to expect that these officials should deal with the very promiscuous materials of an ordinary congregation in the requisite spirit of forbearance and discretion; while for every breach of propriety of which they may perchance be guilty, the Catholic Church herself has to answer in quarters where everything is construed to her disadvantage, and nothing can be heard in her defence. Our modern "ostiarii" will be too apt to measure the qualifications for admission to the church by a very defective rule. He whom St. James the apostle calls the "man having a gold ring," will be apt to secure those smiles which the poorer must be content to forego; and that functionary will feel himself the best, not who admits the good and excludes the unworthy, but who fills, by whatever means, the exhausted coffers of the church.

It should be known by Protestants who quarrel with our practice of collecting at the doors, that here, as elsewhere, they judge us by what they see of us on those comparatively rare occasions, when they are pleased to visit our chapels. They are mistaken if they think that shillings and sixpences are taken at the doors from those who frequent our Low Masses. At some churches, (as at St. George's,\*) these are for the most part quite free; and nowhere are the poor expected to give more than a penny or two-pence for the support of the church.

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\* We observe that a correspondent of the Rambler (No. for Nov.) supposes that at least sixpence is exacted from every person attend-

A course intermediate between free admission and ostiary exaction, is that which obtains in France and Belgium, of taking a small sum of money from all the occupiers of *seats*. This plan has the advantage, of allowing those who choose to kneel on the floor to enter without any payment at all. But it is not without its signal inconveniences. It subjects the occupier of the chair to a very unpleasant and often a very unseasonable interruption. If, as is very possible, he has no small change about him, there is the tedious process of converting the silver piece into its multitudinous equivalent of cents or centimes, wherewith the owner then becomes charged in the place of the far more portable substitute which has disappeared into the pocket of the locomotive collectress. All this involves a serious disturbance of devotion, and (according to our English notions) of ecclesiastical decorum.

The fund to which we next alluded, was that of Easter and other occasional offerings. Of a method of contribution so primitive and so ecclesiastical, nothing needs to be said but in the way of explanation. This mode of liberality involves that very principle of the offertory upon which we intend to speak: the principle of ministering to the service of the altar out of the goods which the great Giver has entrusted to our stewardship. The Easter offerings, we believe, usually form part of the limited pensions of our priests, and are often redistributed by them in the very quarter from which they are derived in acts of charity and munificence. Other offerings are made in acknowledgment and consideration (not, as is often erroneously supposed, recompense,) of special favours received at the hands of the Church, whether the administration of what may be called the domestic sacraments or sacramentals, holy baptism, holy matrimony, and the benediction after child-birth; or, again, the benefit of Masses specially offered for the intentions of the contributors. Current prejudice, aided, we fear, by popular forms of expression, is apt to attribute the practice of these oblations to the mere spirit of bargain; an account of them which we need not say is alike inconsistent with facts, and at variance

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ing High Mass or Vespers at St. George's. This is not the case. The poor are admitted at a much lower charge. On some occasions the offertory alone has been tried; we are not able to say with what effect.

with the intentions, as well as with the ritual prescriptions, of the Church. "*Illud diligenter caveat,*" are the words in which our English Ritual reminds each priest of his duty upon this head; "*ne in sacramentorum administratione aliquid quâvis de causâ, vel occasione, directè vel indirectè, exigat aut petat: sed ea gratis ministret, et ab omni simoniæ atque avaritiæ suspicione, nedum crimine, longissimè absit. Si quid vero,*" it is added, "*nomine eleemosynæ aut devotionis studio, peracto jam sacramento sponte a fidelibus offeratur id licitè pro consuetudine locorum accipere poterit, nisi aliter Episcopo videatur.*" It is accordingly the practice in our churches and chapels to administer all sacraments, properly so called, to all persons who claim them in proper dispositions. When the administration has ended, the faithful are accustomed to make their offering to the church, or not, and in larger or smaller measure according to their ability; but in the meantime they, or their children, have received the benefit of the sacrament without any kind of previous stipulation or exaction. To this rule, however, the sacrament of Penance always and necessarily forms an exception, no offering whatever being here permitted. The Mass, considered not as a sacrament, but as a sacrifice, stands upon a different footing. It is universally allowed, nay, it is even prescribed, that the priest shall receive a certain, and, if possible, a fixed stipend for the service rendered to individual members of his flock by the application of the special fruit of the Sacrifice to their benefit. And although the idea of an "offering" is not precluded by the regularity of this understanding, the term "retribution" is commonly used to denote a payment which is in fact rather an expression of acknowledgment to Almighty God and His Church for the personal application of a benefit, which would otherwise be shared only in common with all the faithful.

Thus end the fixed sources of revenue upon which our churches and chapels depend for their maintenance. Whatever our clergy receive for religious and charitable objects over and above the returns which accrue to them from these various means of support, is derived from the occasional liberality of the faithful, an uncertain and precarious, however valuable, resource.

Now it is the utter inadequacy of these "ways and means" to the actual and very heavy expenses of a mission which has suggested the idea of "the Offertory" as a

method, at once obvious and unobjectionable, for the supply of our missionary needs. The prejudices which formerly existed, at least in the Established Church, against what is called the "Voluntary System," have long since melted away, even among the highest and driest of "churchmen," before the pecuniary needs for which, even in the Establishment, tithes and endowments are found at times and in places, to furnish but an insufficient provision. We learn, through the *Rambler*, that both at Oxford and in London, churches and chapels have been very amply supported by the gratuitous bounty of their congregations, and this, too, without any recourse to other means of popular influence than such as are in strict keeping with the spirit of the Church.

The subject of the Offertory is part of a great question from which it is with difficulty disengaged. The problem which has to be solved is, that of adjusting some method of collection, at once ecclesiastical in its character and *profitable in its results*, with the actual exigencies of the English Catholic Church. And in offering a few remarks upon a subject in which the laity have a deep interest, although, of course, no authoritative voice, we shall hope to avoid all semblance of presumption, by prefacing our observations with a strict and dutiful reserve in favour of the *better judgment and ultimate determination of our ecclesiastical superiors*.

It must then, in the first place, be constantly borne in mind, that no financial arrangements in this matter can be feasible, which are not entirely adequate to the necessitous state of our missionary establishments. One fact, as the *Rambler* justly remarks, is incontrovertible. All existing methods of raising money for the Church have proved conspicuously unsuccessful. We are spared, therefore, the necessity of criticising these same methods in more theoretical points of view. The object of a collection is to collect, and that in sufficient amount to defray the current expenses of the church. It is true that one great end of offering, the good of the offerer, may be secured; but the actual maintenance of the establishment is another, and a very paramount one. Tried in this matter of fact way, the methods hitherto in use among Catholics have proved a signal disappointment.

It is, therefore, an antecedent objection to any proposed substitute, if it wants the recommendation of *success*.

Archæological enthusiasm must not be allowed to stand in the place of practical wisdom. The material church cannot live upon theories; she is too necessitous and too precious to be the subject of a hazardous speculation. "*Fiat experimentum in corpore vili*;" the Church Catholic is no such body. If, many persons will say, our antiquarian adventurers and mediæval empirics, our flighty "Goths" and meddling Puseyites, should land us all in the Queen's Bench, poor comfort will it be that we have been ruined upon primitive principles, and according to the most approved methods! And while we may lament the want of poetry which is evident in such apprehensions, we must yet acknowledge the justice of the reasonings upon which they are founded.

To risk all the material interests of the Church in England upon an experiment so doubtful as the offertory, seems to us, we confess, a scarcely justifiable adventure. The result of the trial, where hitherto made, (at least in richer congregations,) has, from whatever cause, been unsatisfactory. Whether it be that the offertory has generally been attempted under disadvantageous circumstances, or that Catholics are not yet ripe for it, we are unprepared to say. Certain it is, that from no quarter is the report as favourable as many were sanguine enough to expect; at least as to the probability of the offertory taking the place, in the end, of other modes of collection more systematic and more stringent.

The attempt to superadd an offertory to a door-collection is scarcely likely, on reasonable grounds, to prosper. It labours under the disadvantage of a half-measure. The offertory has no chance of success but upon the general admission of the duty of giving to God; but it is difficult to enforce this duty with due effect in the face of a forced contribution. The alternative, therefore, seems to rest between a compulsory and a voluntary payment. Now we have yet to learn, that the Church, in any part of the world, or in any period of her history since the very earliest, has been left, for the maintenance of her ministers, her structures and her services, to depend simply upon the gratuities of the faithful. And if the purely voluntary system is without sanction in the ages of faith, and in countries where Catholicism is most flourishing, our own age and nation seem hardly the time and place to venture upon adopting it as a sole alternative.

Awaiting, then, the event (upon which it would certainly be premature to calculate,) of a restitution, or at any rate a redistribution, of the ecclesiastical revenues, we would submit with all deference to those who bear rule in the Church among us, how far it might not be practicable to make some approach to the practice of ancient times, so far at least as to levy a *fixed*, instead of an occasional and fluctuating contribution upon the members of our community? The contemplated revival of the parochial principle, as part of the hierarchical arrangements said to be maturing, might offer a suitable occasion of remodelling the whole structure of our fiscal arrangements. We feel quite sure that there are some, at least among the wealthier Catholics, who would gladly accept the invitation to dedicate a portion of their worldly substance in the cause of God and His Church; for a dedication it would still be, although made in obedience to an authoritative prescription. We Catholics want to be reminded more and more of our ancestral greatness and hereditary claims; we long to feel ourselves part and parcel of the ancient Church of England. These miserable shifts and sectarian ways, upon which we have barely thriven so long, are become abominable in our eyes; they tally not with the character of the ecclesiastical buildings which have risen or are rising on every side of us; with the churches of Nottingham, of Derby, of Birmingham, or of Southwark; they suit not the language of our professions, nor the scale of our performances. Let them expire with the leases of the conventicles to which they properly belong.

And if we are sanguine about the acquiescence of the wealthier class in some arrangement for the *regular* and *systematic* maintenance of the Church, far less can we feel any doubt of the readiness with which our noble-hearted Poor, would respond to any call upon their Christian liberality. As it is, the poor give to the church at a rate which, were it universal, would maintain her not merely in sufficiency, but in splendour. A zealous missionary and an accessible church, are all that are any where needed to secure their presence and their munificence. Now we hope to see the day when all exactions in churches will be done away, and their place supplied by a kind of local treasury for receiving the fixed contributions of the faithful, to be administered not by the superior clergy, but by officers corresponding rather with the first deacons, who were appointed to relieve

the apostles from the necessity of presiding over the ecclesiastical bank. And while upon this subject, we may say with what satisfaction we should ourselves hail the restoration of the ancient office of *almoner*, which might be suitably combined with the afore-mentioned one of treasurer. We are deeply convinced that both the dignity and efficiency of the clergy would be increased by the separation between their sacred duties and the ministration of alms, for all responsibilities of a pecuniary kind are apt to be at once burdensome, invidious, and embarrassing.

Another source of revenue to the Catholic Church, to which we look forward with a confidence justified by the character of our rising aristocracy, is that of *endowments*. We can scarcely doubt that the stream of Catholic munificence will, as time goes on, flow in this channel, as well as in that of church building and decoration. Indeed, we could hope that the period will shortly arrive, when the annexation of property *in perpetuum* to a church will be regarded as almost a necessary accompaniment to the act of raising it. Such things will come with the growth of true Christian faith among us. As we estimate more deeply the awful responsibilities of wealth and influence, as we feel that no outlay of capital can possibly be so productive to the possessor, as that which secures him the benefit of Masses when he is gone ; as we more and more appreciate the claims of the poor, and the treasures of consolation which our church, duly administered, and appropriately provided, is able to diffuse throughout the land, as we consider, (where it may concern us,) how stringent an obligation of charity, at least, if not of justice, lies upon those who are any-wise the better for the *ancient Church property*, to give back in kind, at least, if not in amount, to the quarter whence they have received ; surely the impoverishing of ourselves to promote the glory of Almighty God, the subtraction of riches from an earthly treasury, which are to augment the stores of our celestial inheritance, will suggest itself as not less the dictate of an enlightened prudence, than the impulse of a generous devotion.

The relief which in various ways would result from such a state of independence, as would thus be secured to the Church, is almost beyond the power of temperate expression. All those difficulties about "making both ends meet," which now disturb the peace, and cripple the usefulness of our indefatigable clergy ; all those temptations, to a

kind of ecclesiastical avarice, which with some minds must be a constant subject of scruple, would thus be, once for all, precluded. Our churches and chapels would be placed upon a footing which no vicissitudes could shake, and assume an attitude which no criticism could assail. The solemn offices of religion would then every where be conducted on a scale proportionate, however inadequate, to the mysteries which they express; and heretics would no more be in danger of confounding the lineal descendant of the ancient Church of England, and the august representative of apostolic christianity, with those paltry sects of yesterday, which infest her path, usurp her titles, and counterfeit her pretensions.

Nor would the difference be less visible in the interior arrangement of our religious edifices. Instead of those evidences of pinched and almost clamorous poverty, which now meet the eyes of the most recollected, and affect the composure of the most devout, our churches and chapels would then exhibit that appearance of affluent stability, and those signs of ungrudging munificence, which distinguish the earthly heaven, the palace of the King of kings, from the wrangling exchange or the upstart meeting-house. No applicant for entrance money would then accost the casual visitant with ill-timed importunity; no gatherer of the customary seat-rent would then, as in the foreign churches, startle the worshipper at his prayers, with a demand upon the unready purse. The common land of the Church would no longer be portioned out into compartments, and intersected by fences; rich and poor would share and share alike, ranging over the unappropriated territory of the Lord's household, without fear of molestation, because without consciousness of trespass. There would the poor man forget his poverty, the rich his wealth, and the noble his dignity: there would the merchant gather goodly pearls without price, and even the worldling might learn to disconnect the uses of sense from the incentives to sin, and the objects of true beauty from the fascinations of its counterfeit. Such is the Church's own view of the character and purposes of her material fabrics.

O sorte nupta prosperâ  
Dotata Patris gloriâ,  
Respersa Sponsi gratiâ  
Regina formosissima!

Hic margaritis emicant  
Patentque cunctis ostia ;  
Virtute namque prævia  
Mortalis illuc ducitur,  
Amore Christi percitus  
Tormenta quisquis sustinet.\*

Then would a church, instead of merely receiving, at stated times, the spectators (as it were) of a set performance, (as with the Protestants,) be continually open as a kind of spiritual mart, whither the children of light might flock, each charged with his special commission, each bound on his proper errand ; his movements all directed to the object in view, his coming and going regulated not by the example of his neighbours, but by the beginning and ending of his own particular transaction. We are not, of course, attempting to preclude the idea of common worship, which has also its ample provision in the Catholic system, but only protesting against that stiff and formal notion of a church and its service, which looks merely at the object of the one particular function which happens to be going on at the time. How beautiful is the amplitude of devotion, the range for diversities of taste and peculiarities of circumstance permitted and favoured by the Catholic Church ! Her multiplied altars provide facilities to every class of worshippers, and scope for all spiritual preferences ; her unrestricted space gives freedom to all comers, and opportunity for various religious actions at once. Here you shall see the loving votary of Mary, offering her newborn infant to the charge of its heavenly Mother ; here the aged widow is telling her beads before a favourite image ; elsewhere priests are preparing for mass, or giving thanks after it ; the altar of the Sacred Heart has its visitants in another quarter, while the holy sacrifice is proceeding in behalf of all, with its company of devout assistants, and the stranger passes among the whole of the large though scattered company, without averting an eye or distracting a prayer. The striking of the church clock is a signal for the organ to peal forth its joyous notes ; a procession of priests and clerics sweeps through the aisles, and clouds of incense denote that the Adorable is approaching. They are removing the Blessed Sacrament to Its own altar

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\* Hymn for the Office of Dedication.

for the morning Benediction; or they are about to celebrate a High Mass, not as *the* act of the day, which is to suspend all other acts, and supersede all tributary devotion, but as a mere incident in the course of sacred offices, which falls in with the others, and interrupts none.

Such are the scenes which we hope one day to see revived in our own dear England; but they will not return till our zeal has repaired the breaches which Protestantism has opened in the walls of our august and most beautiful "city of solemnities." Such will be, at once, the products and the stimulants of a true and loyal devotion, which, feeling the Church to be the centre of all our highest joys, and the home of all our purest affections, gives not merely a public and disinterested, but a personal and most absorbing, interest in its well-being and extension. In such a state of things, the periodical appeal to liberality is superseded by the instinct of attachment, and men no more require to be reminded of the duty of offering to Almighty God, still less to be wound up to it by a machinery of excitements, than a person in health to be tempted towards the means of bodily sustenance by the provocations of appetite which are required in disease.

At last, however, it is not in particular expedients that we shall find the remedy of our present evils, but in the wider recognition of those principles of Catholic liberality, the fruits of which are so apparent in the standing memorials of the ancient Church of England. It may be that the demands of our own time require a new application of these principles, and a new direction of this munificence; still, with the faith of our ancestors, we shall, please God, recover the effects of that faith, whereof even the whelming tide of heresy, and the withering blight of schism have been unable to obliterate the traces and destroy the power. Once let the Church re-establish herself in the hearts of our people, and with great joy they will be seen offering of their best to God and His poor. No need will there be to cut channels for a current which will be strong enough to create them; no need to prescribe modes of operation to an impulse which hardly requires check, because it hardly admits of misdirection.

Catholics we may be in name and privilege, but hardly in very deed, till we realize and act upon the duty of offering to God. It is pre-eminently a Catholic duty; it came with Christianity and departed with Protestantism. It

has its deep foundation in the sense of personal responsibility, in the estimate of the power of good works, and in the communion with the invisible world: principles of the Christian religion which were first systematically impugned by the arch-heresy of Luther. It was when Catholic faith took flight, that men began for the first time, as a body and upon principle, to defraud God of His right, and to lay up for themselves the treasure which has its proper destination in heaven. Then Exchanges took the place of Cathedrals; national prosperity was measured by national wealth; poverty became a reproach, and sacrifices for God were regarded as but the dictate of fanaticism. Men who professed a singular veneration for the Inspired Scriptures, could still forget that the man after God's heart had said, "All things are Thine, and when we give to Thee, we give but what we have received of Thy hand;"\* and they who undertook to reform the Church after the Apostolic model were not the men to sell their lands and lay the produce at the Church's feet.† It was *our* undying traditions which preserved the record of these truths; it was *our* storied Calendar which illustrated the glory of these examples; it was *our* holy service-books which transmitted the history of these facts, and rescued these memorable lessons from oblivion. Year after year did Holy Church, in that magnificent office wherein she celebrates and commemorates the Dedication of her material fabrics, imprint on the hearts of her children the august idea of Herself, as the Tabernacle of the Most High among men, the earthly type of Her who held God in Her embrace, the Heavenly Jerusalem, the Virgin Spouse of Christ, the Queen of glory and of beauty. In consecration to the service of Almighty God, She taught men to discern the true use and appropriate destination of the precious minerals which enrich the womb of earth, and the beautiful things of creation which decorate her surface. In the adornment of the Temple of Solomon with all that could be collected of rich and rare from the busy marts of Tharsis, and the teeming mines of Ophir, she saw the precedent, and hailed the sanction, of that costly magnificence and elaborate embellishment which excite awe in the majestic cathedral, or express love in the tessellated basilica. For three long and dreary centuries has Holy Church thus kept up her

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\* 1 Paralip. xxix. 14, &c.

† Acts iv. 37.

silent witness, (as it were in the dens and caverns of the earth,) against the iniquity and selfishness which ranged abroad; her holy influences, though unknown, have not been unfelt. "Ever living, they have floated around,"\* and haunting the impoisoned air, and feebly yet surely sustaining the life which is now beginning to manifest itself by more palpable tokens. In the increased zeal of our own happier time, in the aspiration after better things, in the friendly mootings of great practical questions, in the liberal acts of many and the ardent desires of more, in the mitigation of natural prejudices, in the commencement of great undertakings, in the authoritative sanction of enthusiastic aims, in acquisitions from the ranks of heresy, in the discovery of sympathy where we looked for hatred, and in the evidences of approximation where before we had felt estrangement, in these and many other encouraging signs of the day, we trace the rewards of a seemingly thankless perseverance, and the fruits of many an unknown prayer.

At the present moment the destinies of the Church in England would seem, humanly speaking, to be more than ordinarily under the control of her faithful Laity. Their earnest co-operation and ready liberality are what the Pastors of the flock principally need to give effect to their hearty wishes, and influence to their zealous acts. We want so many things, that we almost fear to enter upon the enumeration, lest it should operate to the discouragement of all attempts to supply the deficiency. We want new churches, and, even still more, the power of working the present ones. We want Houses of Refuge for the destitute, and schools for the ignorant. We want more priests, and for their due training we want more colleges, or greater accommodation in those we have. We want, in short, everything but that which money could not obtain us—the desire of improvement. There are youths burning to serve God in the ministry of the Church, who have no funds for education at their command. There are priests sighing over the necessities of their districts, which they have no means of alleviating. There are Catholics ready for the Sacraments, but no priests to respond to their call. We are compelled to see the sheep of the flock devoured by hungry wolves in the shape of zealous and unscrupulous missionaries of Protestant infidelity, who lure our unsus-

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\* τὰ δὲ αἰὲς ζῶντα περιποτάται.—Sophocl. *Electra*.

pecting people by the offer of gain too attractive to a starving multitude, disseminate heresy and blasphemy in their dwellings, and pervert the ductile minds of their unhappy children. In the higher places of the Church there is the zeal to desire, and the genius to devise, and the arm to accomplish; but it is the faithful Laity, we repeat, who must second this noble enthusiasm, and strengthen that uplifted arm. Let means be forthcoming, and measures and men will not be slow to follow. Above all, let these means be accorded in a spirit of generous confidence, with as little as possible of partiality or restrictive stipulation. Of course we do not wish to preclude local preferences, and discriminative applications. Still, it has been perhaps a fault in our body, (whencesoever resulting), that what has often been given to the Church, has been given otherwise than *through* the Church. Without desiring to imply reflection on any part of our community, we may yet be permitted to select its poorer members as those who seem, by a kind of Catholic instinct, to understand the way of giving, as well as to excel in the virtue. It is a fact which redounds to the honour of our poor, and reflects light upon the peculiar attributes of our holy Religion, that in the quarters where the Catholic population is most needy, the means of the Church are the most ample. It is certain that if the same proportion of gifts to means were maintained elsewhere, the Church would not be long in securing her rightful pre-eminence over all her subjects, and by degrees also over others whom she longs to gather into her kingdom. It is not our object to enter upon statistical calculations; but in this assertion we feel that every inquiry will fully bear us out. What chance would there be for Protestantism if the Church were but fairly free and effective? for a body, weakened by endless divisions, against one strong in its unity, and firm in its coherence? for one which rests entirely on the shifting will, and variable characteristics, of the individual, against one which meets the world with the power of the Sacraments, and is supported by the prayers of the Saints? Protestantism has no stamina; it is an old and worn-out dotard, whose weary life can now be sustained by nothing but those artificial props and soothing appliances which money can command. But these *can* sustain it, and for a while it must continue to encumber the land. Meanwhile there is a giant at hand, biding his time and waiting his opportunity, who seems to

say, "Who will bring me into the strong city? will not thou, O God, go out with our armies? Heal thou the breaches, for the earth is moved; Thou hast shown Thy people hard things. Thou hast made us drink the wine of sorrow. Thou hast given a warning to them that fear Thee, that they may flee before Thy bow, that Thy beloved may be delivered."\*

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ART. II.—*The Four Gospels, translated from the Latin Vulgate, and diligently compared with the original Greek text, being a revision of the Rhenish, translation, with notes critical and explanatory.* By F. P. KENRICK, Bishop of Philadelphia. 8vo. Dunigan: New York, 1849.

WE proceed, in fulfilment of a promise which closed our last number,† to unfold our thoughts on a subject which cannot fail to interest every reader of the Gospel—the Miracles of our Lord.

But before entering upon it, we beg for a few moments' grace, while we indulge in some preliminary remarks. In opening our paper on the "Parables," we briefly approved of the critical study of Scripture, and expressed regret that it was not more cultivated amongst us. In a notice of that paper, in a Catholic periodical, its writer remarked: "We do not agree in all the propositions laid down as to the value and advantages of biblical criticism ourselves." So slight a comment, so passing an observation, so modest an expression of difference of opinion, could never have elicited a word from us, unaccustomed as we are to notice reviews upon our reviews, did it not appear to us to indicate what we have seen more strongly expressed elsewhere without reference to us;—a tendency to depreciate Biblical studies, and the theological use of holy Scripture. That persons who have witnessed, during a great part of their lives, the sad and fatal abuse of God's word—who have seen it become a snare to the feet, a veil to the eyes, a cloak to hypocrisy, a seed-bed to heresies, and a very

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\* Ps. lx.

† P. 226.

excuse for sin:—that men who have seen havoc come to souls from its misapplication, and ruin to conscience from its distortion,—who have heard every key of the sacred instrument jangling and jarring in distracting dissonance, as at once bravely thumped by the evangelical, and timidly stolen over by the churchman: that they, in fine, who have themselves perhaps lived for a time entangled in the meshes of contradictory interpretation, and have now exclaimed, “*laqueus contritus est, et nos liberati sumus,*” should look with distrust, and some dislike, on studies which tie men apparently to the killing letter, and quench the living Spirit, is perhaps natural, and as such pardonable. But there is danger in too violent a rebound; and we are truly and deeply anxious, that any extreme views, on so important a subject, should not be encouraged.

Let us for a moment consider this very critical study of God's word. No pursuit has been more abused: and we hope it is looking rather at the abuse than the use, that the writer alluded to tells us, that he does not agree with us, as to the value of that branch of learning. Eusebius, Origen, St. Jerome, St. Augustin, Alcuin, and many others applied sedulously to it, and their labours have been highly prized by the Church of God. The Council of Trent, in ordering a new revision, and consequently a new *recension*, of the Vulgate to be made, commanded the severe critical pursuits necessary for this purpose.

But we are looking at the matter too seriously. There are two ways in which critics can justify their disapprobation, in sweeping and general terms, of a pursuit. The one is by looking outwardly at its effects, and without taking the pains of fathoming it, making up their minds to its inutility. Even a very mild person might be led to pronounce that *conchology*, for instance, however pretty, is not a very useful science, because its influence on society, or letters, or individual character, and its results to mankind, nowhere appear. It is negatively condemned, if one may say so. But a great science pursued by many great and good men, and by them brought to bear upon theology, and upon the preservation of God's Word, cannot be so judged; and only they, we will confidently assert, have a right to pronounce, who can say that they have gone fully and thoroughly into it, and have discovered its hollowness. Now, unhesitatingly, we declare such a result to be impossible. No one can apply himself to the

critical study of the Bible, without finding it graceful, noble, sure to enhance his appreciation of the real beauties of the divine writings, certain to bring home to him many hidden treasures, and, at the same time, solid, convincing, based upon sure principles, and superadding the elegant and protecting structure of human research and skill, to the immoveable and unshaking foundation on the rock of truth. It is like a bastion thrown out beyond an impregnable fortification; a breakwater outside the safe harbour, scooped in a craggy shore. Neither is necessary for security: but the one terrifies the assailant, and keeps him further from the walls; the other represses the unruly waves that would fain agitate the haven's calmer waters. No part of biblical science has more thoroughly disappointed the unbeliever, and answered the Catholic's hopes, than the critical study of Scripture.

But probably it will sound strange to some to hear us pronounce this to be a "graceful or noble" pursuit. Solid it may be; but what there is to captivate the mind, or win admiration, does not easily appear. We speak, then, of this study as catholicly followed; and as the great purpose of our whole paper is to prove how truly Catholics alone hold the sway of scriptural literature, we may be pardoned if we dwell a little longer on this point, and show how we have found this driest and least spiritual looking portion of biblical science, most savoury, sweet, and delightful. That the path to it is rugged, intricate, and often consequently wearisome, we will not gainsay; for the principle holds here, as elsewhere, that there is no royal road to knowledge. It requires patience to learn the technical part of the study, to become familiar with its peculiar phraseology, to unravel the intricacies of various systems, classifications, and recensions. Nor can this be attained without the further patience of learning perhaps more than one language, uncouth to the eye, rugged to the ear, and strange to the mind. Then there is a certain amount of practical skill in manipulation to be acquired, which is tedious at first, and requires perseverance. But when these preliminaries have been gone through, the science, even in itself, is interesting and delightful. When an uninitiated person gets an old biblical manuscript into his hands, "*miratur pulchros apices*," he turns it from end to end, admiring the regularity of the writing, or the preservation of the ink, and gives it back to the librarian, won-

dering somewhat of what real value such an old volume can be, or whether it may not possibly contain some new and strange reading, (if he have heard of such things,) which may puzzle critics or commentators. And then he remains "oculis laudator, sed mente non cognitor." Now let the practical critic take it into *his* hand, and see with what confidence and intelligence he handles it. As surely as a *connoisseur* in art examining a picture, he knows how to explore it. The very crackle of the parchment speaks to him: if thin or thick, if polished or rough, if white or yellow, it gives him a mark, a datum for calculation. The colour of the ink, the retouching of faded letters, the corrections between lines, all tell *him* a tale. Then he inspects the letters, which, like troops in a review, wear the uniform of a country or age. He pries into their junctures and divisions, their punctuation and length of ranks or lines; he scans their straightness or their flexures, their lengths and breadths. He notes the letters on the margin at given intervals, which to the other appeared random marks, and he pronounces, at once, a confident judgment of the volume's age. Now for its country. He looks into the text, darts over a few lines, detects certain errors by substitutions of letters pronounced alike in some countries but not in others, and thus gets a first simple clue. But with a few master glances, just like an expert leader at the bar, who, turning over folios of foolscap in his brief, catches with his eye just the recital which contains the pith of the bulky brief, and makes up his case, over which his junior has pored for hours, he turns familiarly to a few decisive texts, gives but one scrutinizing look, and, shutting the volume, tells you, not merely its country, but perhaps the very city or monastery in which it was written. As certainly as that picture critic will distinguish the Spanish from the Flemish school, and even tell you whether your painting came from Andalusia or Estramadura, so surely will the other tell you whether your manuscript was written in Egypt, or on Mount Athos. And of what use is this? Why, he knows, that if you were to read it carefully through, you could not find in it a single novelty; that by no possible combination of chances, could it contain a single word that could give the sceptic a new objection, any more than the discovery of any imaginable genuine sketch by Raphael, could possibly lead us to the conclusion that he was a bad draughtsman.

But at present we are rather bent on proving that this critical study of the Bible is really a pleasant and gratifying pursuit. Let us take another example. Let us suppose that we wish to amuse ourselves with the origin of some outlandish translation. We will take, for instance, the Arabic version of the Psalms, published by Gabriel Sionita at Paris a couple of hundred years ago, and most beautifully printed. Be not startled, gentle reader; we are not going to give you a single hard word, or strange looking character, as we did in our last article. We are not going to use any long technical terms. Follow us gently, and as it were tiptoe; and we will give you a little specimen of critical *clairvoyance*. Look into that cell. It is in an Eastern monastery, on the craggy side of Mount Libanus, with palm trees shooting up slender around it, and waving their graceful heads to the evening breeze. All is still and calm; the chaunting has ceased, and each pious recluse has slowly returned to his cell. Look again at the one we have chosen, rude and bare as it is. There, by the latticed windows, thrown open to the setting sun, on his little square mat sits, Arab fashion, a bearded monk, grave and furrowed with lines of thought. At his left side is his inkstand with its reed-holder, passed behind the girdle like a dirk. In his left hand he holds his page of vellum on a slight board, in his right his ready canpen: for he leans not his body nor his book on anything when he writes. He lives at a time when the sacred language of his country, the Syriac, is becoming less known even in religious houses, and an Arabic or vernacular version is required of the Psalms. He being well skilled in languages, and a holy man, has been ordered to make it, and he is already plying his sacred task.

Now first, what is he translating from? On a low three-legged stool beside him, lies the open volume. What language is it? "How," you reply, "can I possibly see, at this distance of place and time?" Then I will tell you: it is a copy of the Septuagint, or ancient Greek version of the Bible. How do we know this? Every verse of his translation tells us so. For while that version differs very remarkably from the Hebrew in its readings, his translation throughout keeps close to the former. Well, this is a very simple discovery. But we see that our good monk is not *very* strong in his Greek, for he keeps every now and then looking at another old volume, or rather roll

beside him. It is clearly the Hebrew original, which being more akin to his own language, he can better master. He uses it, therefore, as another would a lexicon. Hence through his translation, when a hard and puzzling word comes in the Greek, we find him putting the very Hebrew word into his text, making quite a jumble of it. This tells us that he did not help himself out of another version already made from the Hebrew, but dealt freely with the original. But we have very curious proofs of this. We are now watching him translate Ps. lxxvii. v. 74. (69 Heb. and Gr.) He has hit upon two curious deviations from both the Greek and the Hebrew. And yet we can very easily account for them, but only one way. If in two small words together, we imagine him to have mistaken, in one a *beth* for a *caph*, in the other a *caph* for a *beth*, (the two Hebrew letters being very much alike,) we get just his reading. And the same verse contains another certain proof, but too complex for our present purpose.

See him now fairly nonplussed. He has got to Ps. xxxix. (Heb.) v. 9. (in lxx. v. 6,) and there he finds the two texts irreconcilably different. You may behold him, with his hands dropped before him on his knees, waving his body backwards and forwards, and gently stroking his beard, as Orientals do when they wish to convey electricity to their brains. And now a bright thought has struck him. He knows not which reading to prefer, so he will put them both in; and consequently he combines them, and gives us in his translation a double version, from the Greek and from the Hebrew. Having discovered this notable expedient, he has recourse to it again in similar difficulties: for example in Psalm xlv. (Heb.) verses 13, 14, where he once more treats us to both texts. But this Psalm seems to have greatly perplexed him; for sometimes, as in a fit of desperation, he fairly takes his departure altogether from both his originals, and hazards a most unaccountable paraphrase of his own. He however finds another remedy in his difficulties. There he gets up, and takes down from his small library, or rather out of his book-chest, another volume. How shall we make that out? Very easily: we can see it from here, as we peep over his shoulder. It is the Syriac *Peschito* version. He is engaged on Ps. xcvi. (Heb.) and at every verse he looks into this translation, and does not hesitate to be guided by it. Coincidences so curious occur as to leave us no doubt of this.

The good old translator may have pretended what he liked to his less learned brethren, and may have made them suppose that he was very fluent in Greek, and read it off like an Athenian: but he cannot trick us, and we can make out, as plain as if we saw him, every book that he used. Nay, we can even decide to what country his copy of the Greek text belonged, that it had the text, as corrected by Lucian: and probably that it was, what is called a Hexaplar copy.

We may be further asked, why we put the author of this version on Mount Libanus, and not in Chaldea, or Egypt, for instance. Here again interior data combine to determine us: the translation from the Greek, and the knowledge of Hebrew, do not allow us so easily to attribute it to the first country, where the Greek language had long ceased to be known, and Hebrew could be but little cultivated, before this version was made: while the use of the Syriac version unknown or unused in Egypt, does not permit us to assign it to the latter. But in Syria, we have every requisite condition for explaining the character of this translation.\*

But all this may show how any one who has spent perhaps years in the preliminaries of this study, and has some peculiar local opportunities of perusing it practically, may find interest and even amusement in his researches; but what influence can these have upon his higher perception or relish of God's word? Or we may even ask, do they not naturally divert his thoughts from the better study of its uses, and value of its perfection? We say, most decidedly not. An illustration strikes us, which may explain our view of the matter, better than a disquisition. Let us suppose two enthusiasts about architectural beauty to enter a noble old cathedral; and both, as is the custom with such, straightways to fall into raptures—real ones in our supposed case, about it. They vie with one another

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\* What is lightly and vaguely described in the context is the true history of this version. The writers of "Introductions to Scripture" have been satisfied with pronouncing it to be translated from the Septuagint. But a searching collation of a sufficient portion has convinced us, that the medley of versions enumerated above has concurred to produce a most anomalous, heterogeneous, and often unaccountable translation. We have minute data for this conclusion.

in their exclamations of delight ; they praise the harmonious whole, the exquisite proportions, the gigantic dimensions, the delicate enrichments, the airiness of its superstructures, and the solidity of its walls. Chancel and nave, aisles and transepts, pavement and vault, are accurately scanned, rated, dated, and pricelessly valued. The bewildered verger stands amazed, for they evidently know more than he does, who has been in and out of that church, as man and boy, any day these six-and-thirty years. But of the two admirers, the one has evidently some peculiar skill beyond the other. While one is still rambling on, and re-admiring the same beauties again and again, the other is standing still on one spot, and book and pencil in hand, is—sketching perhaps ? No, actually calculating ! In the midst of that wondrous structure, he has the heart to think of Cocker, or Bonny-castle, and to perpetrate so vile a thing as a sum ! By a penetrating, as well as a comprehensive glance, he has measured the vast masses which compose the edifice, he has calculated the weight of those enormous blocks which, to his companion's eye and his own, looked so light, more like stalactites pendant from a cavern's roof than solid stone, and appeared hardly to press upon the slim and towering piers. He has estimated how nicely adjusted to the weight is the skilfully planned support, and what clever combinations were required to produce the actual effect. Moreover, he has accurately ascertained, what complicated, yet correct machinery must have been necessary, before the resources of modern mechanics were developed, to exercise the huge power requisite to raise those blocks, and place them securely on their beds high up in air. But if his friend casts on him a glance of almost scorn, as he passes by him, still engaged in his unpoetical labours, how will he regard him, when he sees him actually begin to grope and poke into every cranny of the building, and rub off the white-wash, and scrape the pavement, and scrub the tombs ? And thus he discovers of what curious materials the structure is composed. This pillar is marble, from Devonshire or from Westmoreland ; this canopy is stone, from Caen ; this monument is alabaster, from Tutbury ; this slab is granite, from Anglesey ; this bit of pavement, is tessellated work from Italy ; for here are serpentine and porphyry with gold *smalti* : even

the main walls are built up with sandstone from quarries at least twenty miles off, without water-carriage.

Now we ask, does this man who thus studies and comprehends the laws of the construction and preservation of the building, and its very hidden and internal substance, lose or gain in true, deep, and earnest admiration of it, and of its wonderful architect? Yet we do not hesitate to say, that in equal measure will he have advantage, who has carefully and catholicly pursued the critical study of Scripture. For what else is this but the endeavour to discover the means whereby God has framed and preserved this beautiful structure of His wisdom on earth? It is, in fact, the history of His providential dealings with His own divine Word. As we follow it, we discover the marvellous agencies which have been kept at work to preserve, through the vicissitudes of ages, the sacred text. It is translated in every variety of language, by every diversity of genius and learning; it is collated and revised from the most opposite motives, hostile or friendly, orthodox or heretical. It is transcribed in every country, by holy scribes like Bede and Alcuin, or by hasty, blundering, and mercenary transcribers. And this goes on for ages; the Jew desirous of one reading, and the Arian of another, and the Catholic striving for the truth. Only an accurate critical study can give a right notion of these various powers, some naturally appearing to tend towards involving the whole text in inextricable confusion, others to distort it positively into a wrong direction. Yet as surely as did the steam-engine and the hydraulic press, and the pontoons, and the many capstans with their many crews, lately bring the Britannia tube-bridges into their right position, and firmly plant them there; because, though to a mere by-stander they appeared pulling in various and conflicting ways, yet they were all under the direction of one master-mind; even so do the many strange powers, to all appearance discordantly at work for ages upon the texts of Old and New Testaments, appear to the devout scholar, overruled and made subservient, by a wise and unseen control, to the placing and preserving in its high and noble position in the Church, that holy and venerated record of God's mercies. The very jarrings of conflicting interests, the jealousies, the strivings of error against error as against truth, will be found to conspire to the same great purpose. And most certainly, a searching study by a

catholic mind into the very words and points of that sacred writing is a homage, of respect and love, to the wise Builder, who has employed them as His materials in this His edifice. They who of old loved God's sanctuary, loved the very stones of which it had been built, even after they had been dispersed.\* And that study which directs its attention to the materials that enter into the construction of the sacred volume, makes us search for their origin, their accurate form, their rightful position; which enables us to see the treasures and curious fragments of different ages and countries, brought from afar, and made to fit in, and strengthen the work; nay, which in the rudeness or elegance of its construction, shows us equal aptness, design, and evidence of truthfulness and genuineness,—that study, surely, instead of impairing, greatly must increase our veneration and love for Him, who has condescended to speak to man in the language of man, and subject His written, as He did His living, Word to the gaze, the scrutiny, and even the inflictions of men. We would venture to say more, were it likely that we should be believed by any but the experienced. We will, therefore, draw this rambling and perhaps tiresome disquisition to a close, by referring, as an example, to only one passage, *Matt. xxvii. 17*, where the terrible awfulness of the proposal which it records, is inexpressibly aggravated, to one acquainted with the critical history of its text.

Most writers who have treated of our Saviour's Parables, have joined to them His Miracles. A considerable number of essays profess to speak of both: and the reason is sufficiently obvious. Our Lord's miracles may be contemplated in three distinct lights.

1. Simply as miracles or wonderful works, directed to give overwhelming authority to His teaching, and to evidence His heavenly mission and His divine nature. Hence He Himself repeatedly appeals to them, as proofs of His claim to be heard and believed.† This view of His miracles appertains to the evidences of christianity; and in that branch of theology, the character, the reality, and

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\* *Ps. ci. 15.*

† *Mat. xi. 20, 24; xii. 41; Mar. iv. 40; Lu. iv. 36; vii. 16; Jo. ii. 23; v. 36; vii. 31; x. 25, 38; xii. 37; xiv. 12; xv. 24.*

the testimony of these marvels, are duly considered and vindicated.

2. As works of mercy. He whom compassion for fallen man had drawn down from heaven, and who had come to rescue him from sin and death, could not but desire to alleviate those sufferings, which were the consequence of the one, and the precursors of the other. He possessed the power likewise to do so, while he chose to live in privation of the means of ordinary alms-giving. It was by the exercise of His power, therefore, that He gave us example of the discharge of charitable duties towards the poor. He could not give them money, in their illness, to buy food; but He gave them health and strength to earn it. In this way St. Peter considered the exercise of the miraculous powers deputed to him: "Silver and gold, I have none; but what I have I give thee: in the name of Jesus Christ of Nazareth, arise and walk."\* Where others gave silver, he gave a cure; where others bestowed gold, he bestowed a miracle. The Jews saw our Lord's miracles under this aspect: they not only admired them as evidences of immense power, but they esteemed them as proofs of unbounded goodness. They would have feared Him, whereas they loved Him, had His miracles been only deeds of might; had the withered fig tree, or the drowned herds of the Gerasenes, alone evinced his greatness,† they never would have exclaimed: "He hath done all things well; for He hath made the deaf to hear, and the dumb to speak."‡

3. It is evident that Christ's miracles, even under these two points of view, were powerful auxiliaries to His teaching. The first secured, in earnest-minded hearers of His Word, deep attention; the second won from the affectionate, a willingness to be taught. The one drove to conviction, the other led to easy persuasion. According to the principles of the Rhetorician, they respectively served "*reddere auditores attentos et benevolos.*" The third mode of considering these great works, the one of which we are about to speak, rendered them *docile*, or teachable, for we have to treat of them as important and truthful lessons.

We take it for granted that every Catholic, at least, has been instructed in this mode of reading the scripture account of our Saviour's miracles. He has again and

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\* Acts iii. 6.

† Mat. xxi. 19; Lu. viii. 32.

‡ Mar. vii. 37.

again read or heard them commented upon, as lessons acted rather than spoken. "Dominus ac Redemptor noster, per Evangelium suum aliquando verbis, aliquando rebus loquitur."\* It is nothing new to say that the cleansed leper represents the forgiven sinner, and that the boat saved from the storm, by the power of Jesus present in it, signified the Church. And if the leper is sent to the priest, the Catholic sees naturally the intimation of the priestly ministry in the parallel case. We, therefore, may assume that our Lord's miracles taught a lesson, and some important one.

In treating of the Parables we showed, not we trust unsuccessfully, that they contained a distinct body of teaching, corresponding to the prophecy of the Old Testament, and containing the principles, the history, the developments, and the action of the Church. Can we find in the Miracles of our Saviour a counterpart to this? Such is our present enquiry. If what was mysterious in His oral teaching related to things of future accomplishment, it may be fairly surmised that what was still more mysteriously taught by action, should be referable to similar objects. The analogy between a parable spoken, and one acted is evident, and a miracle which contains in it a lesson, beyond its immediate and obvious purpose, is to all intents and purpose a parable, more even than the symbolical actions of Ezechiel or Osee. For example, when Christ orders His disciples to cast their nets, and though all night they had done so in vain, they now find them filled with the miraculous draught of fishes,† we at once see how appropriately this foreshows, how they, when become "fishers of men,"‡ shall bring multitudes into that net, which in another spoken parable has been made the image of the Church,§ without the multitude breaking the net,|| that is destroying religious unity: and how this will be, not by human power, but in obedience to the divine command, and through the energy of grace. For till the order was given them to go and preach, they had striven in their ministry in vain. Now all this is most apt, not merely because part corresponds to part, but because it corres-

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\* St. Greg. Hom. 32 in Evang.

† Jo. xxi. 6.

‡ Mat. iv. 19,

§ Mat. xiii. 47.

|| Jo. xxi. 11.

ponds adequately—miracle answers to miracle, each real, and not on the one side figurative. The command of God is equally true in both: and the draught of fishes is miraculous, as is the draught of men in the apostolic net. On the other hand, the cutting and burning of Ezechiél's hair,\* or his going forth from his house through a hole in the wall,† or his lying upon his right or left side,‡ or Osee's marriages,§ bear no proportion to the terrible exercise of power which they figure. They are mere human actions ennobled into representations of divine judgments; whereas, as we have observed, in the Gospel image there was as much miracle on one side as on the other. Yet it must be borne in mind, at the same time, that the one miracle was immediate, definite, and clear to sight, while the other was gradual, indistinct, and to be learnt by reasoning. For, no one doubts that the propagation of Christianity by the twelve fishermen of Galilee was a divine and supernatural work. But while it was going on, this could not appear, as it does to us, looking back on its success; nor does the Church's net cease yet to descend, and to bring its goodly freight into the bark of Peter.

From the illustration which we have given, we may draw some first principles, that will gradually bear us forward towards our object. 1. For, if the analogy between the Parables and the Miracles of the Gospel, corresponding to that between prophecy by words, and prophecy by acts in the old Law, will suggest their both having a common end and term; the instance which we have chosen will give us a further suggestion. And it is, that the miraculous lesson delivered by Christ our Lord, in action, will have a corresponding reality in what it teaches. If in the prophets, the act of man was made to represent the action of God, the order cannot be reversed, and the best be degraded, by the actions of God in the flesh, describing or symbolizing any thing less than themselves. Miracle can only foreshow, typify, or guarantee miracle. Nay, we will venture to say more. The marvel performed as a type cannot be greater than its fulfilment: the latter must be the greater. The delivery of Israel from Egypt was a divine miraculous achievement: the wonders of Aaron's rod, the opening sea, the swallowing of Pharaoh's host by the abyss, the plunder of Egypt, the great work preceded

\* Ezec. v.

† xiii. 5.

‡ iv.

§ Os. i. iii.

by the mysterious pasch, and apparently dependant on it, were well worthy to be considered final and complete. Yet they were all types: and when the fulfilment came, it came with such a superiority of grandeur and sublime results, as proved how only God can surpass His own work: and *will* surpass it, however magnificent, when it has been the figure of another dispensation.

2. Further, in this second instance we have presented to us another result, which may be also drawn from the first. In both we find, that, while the fulfilment is far superior to the figure, yet the appearance of miracle is much greater in the latter. Or we may better express it thus: the fulfilment relates to the order of grace, and the figure belongs to that of nature. The deliverance of man from the broken power of Satan on Calvary, was no less real, and was a more wonderful work, than the freeing of Israel from Egypt's bondage; yet it was not seen by man's eye, nor felt by his soul, as this was. The conversion of the heathen world was a greater miracle than the catching of one hundred and fifty-three fishes: but conversion was an inward, soul-hidden act. If the miracles of our Lord teach as types, we must expect them to represent other acts in the Church, not only equally, but superiorly to themselves wonderful and miraculous: and yet these may, and probably will, be invisible and belonging to the spiritual life.

We may carry this comparison much further into details. The eating of manna represented the spiritual food in the B. Eucharist:\* the drinking from the rock, the refreshment received from Christ:† the raising of the brazen serpent to cure the bite of fiery serpents, the lifting of the cross with its precious burthen to heal the angry bite of the infernal serpent:‡ Jonas in the whale and cast again on shore, our Lord's resurrection.§ The thing represented was far nobler and sublimer than the type in every instance, and intrinsically more prodigious and miraculous; yet this quality did not appear to men's eyes in the reality, as it did in the inferior figure. We must ever, therefore, bear this in mind.

The Christian revelation wonderfully opened to man a second world, the sight of which had been utterly withheld from the heathen, and only manifested in glimpses to the

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\* Jo. vi.

† 1 Cor. x. 4.

‡ Jo. iii. 14.

§ Mat. xii. 40.

better Jews. The new heavens and earth thus manifested showed man in a new state; a spiritual life, which has its laws, its course, its goods and evils, its beginning and progress, nay, its very food, its organic operations, its illnesses, its cures, its very death, though not destruction. The soul, that indefinite being, even in Jewish theology, is with the Christian so real an existence, that he can individualize it in mind, and separate it in thought from his very self. He can speak of his soul as weak though his body is strong, or as powerful when *he* is feeble: it may be at rest and in peace while his outward existence is passed in tempestuous troubles—the soul may sleep, with Jesus, in the very bark that is tossed on the billows. He may feed that soul, while his body is starving; clothe it, while his flesh is naked. It may fly towards heaven while the mortal frame creeps on earth, and will attain its object when this perishes. All this requires a system provided for it: the “things spiritual,” which are so familiar in the Catholic’s mouth. Grace is the sphere, the order in which this spiritual life has place: it is its principle, its breath; the soul of soul, the food, the vesture, the sustaining vigour, the means of growth, the motive power; it is the ruling, and regulating, and perfecting energy of this invisible economy. A Catholic holds and understands all this as though he saw it. But in the gospel estimate this spiritual order is infinitely higher and nobler than that which includes the body, and its natural contingencies. To cure the soul is infinitely a greater deed and a greater miracle than to cure the body, and so is to raise a soul, far more than to raise a body, from death.

There is thus established a corresponding order of existence and operations, between the seen and the unseen life; each being equally real. The Miracles then of our Saviour, if they are representatives of other actions, can find in this spiritual state their truest counterparts,—realities no less marvellous, and of a far superior character.

Yet so long as man has not been totally absorbed into the spiritual life, but still lives on earth, a compound being, it is clear that the ministrations to the spiritual life must pass through his lower state, and be connected with earth. The rain first rises from the earth, then falls on it again, and thence it rises again in bubbling spring, or sparkling fountain, or it steals quietly out a brook or river, with fertilizing energy. And so grace was first begotten on

earth, by the merits and the death of the Holy One; thence it was borne to its boundless treasure-house in heaven, whence descending into the Church's rich soil, it is redistributed in endless beautiful forms, through her various agencies and ministerial institutions. Now the *sacramental* action of Grace, as conceived and understood by the Catholic alone, will exactly answer all the conditions requisite to solve our problem. The sacrament belongs to the higher sphere of the spiritual life; it is as supernatural in its invisible efficacy, as the miracle is in its visible effect; yet it is as real: it is so perfect a counterpart as to be a sufficient fulfilment; and it is so immeasurably above it, as to be a worthy fulfilment. And such we believe to be the real teaching of the great body of our Saviour's Miracles, as preserved for us in the apostolic records. As the Parables contained the dogmatical and moral principles to be developed in the Church, so do the Miracles show forth the superhuman, and in truth miraculous, agencies of her practical ministry. The one tells us what the Church shall be and say, the other what she shall do.

It is now time that we look into the gospel itself for the groundwork of this view.

Our blessed Lord, when alone with His disciples, before His passion, said to them: "Amen, amen, I say to you, he that believeth in Me, the works that I do, he also shall do, *and greater than these shall he do.*"\* That the miraculous powers alluded to in the first part of the sentence, were not bestowed on the body of the faithful indiscriminately, is clear. St. Paul gives evidence that they were at most distributively given to the first christians,† nor is there reason to suppose, that every simple faithful was a *Thaumaturgus*: it is peculiarly related of St. Stephen, that he being "full of grace and fortitude, did great signs and wonders among the multitude:"‡ as though this gift was special. But to the Apostles and disciples, the gift of doing all miracles, even the same as Christ our Lord, was part of their commission, bestowed on all, previous to their receiving any spiritual or priestly charge. "Going, preach, saying: The kingdom of heaven is at hand. Heal the sick, raise the dead, cleanse the lepers, cast out devils."§ Again, to the seventy-two the

\* Jo. xiv. 12.

† 1 Cor. xii. 11.

‡ Acts vi. 8.

§ Mat. x. 8; Lu. ix. 1.

same power was granted: "Heal the sick,...and say to them: The kingdom of God hath come nigh unto you."\* To the first of these commissions, it seems impossible to add. The four classes of miraculous benefits enumerated, include all that our Saviour ever performed, even to the raising of the dead. And beyond this exercise of miraculous power, how was it possible to go? What greater works than Jesus did, as miracles, remained to be performed, in virtue of this promise? Was it possible to go beyond the raising of Lazarus? The words cannot be so understood. Then we can only reasonably explain them in this sense, that works of equal power but belonging to a higher order, would be performed by the faithful followers, whom the Apostles represent. We shall be more ready to admit this interpretation, when we see similar language employed elsewhere. For instance: "Every one who hath left house, or brethren, or sisters, or father, or mother, or wife, or children, or lands, for my name's sake, shall receive an hundred-fold, and shall possess life everlasting."† It is clear, that the hundred-fold of earthly goods, signifies not the reward of the future life, from which it is expressly distinguished: but a recompense in this world. But it means corresponding spiritual gifts, greater because belonging to a higher order, affecting the soul and not the body. For no one has ever imagined that the promise related to the real increase of the very things renounced, except perhaps some sensual millenarians. Yet no doubt the greater things promised, are not so striking to sense, so appreciable by the animal man, in his debased nature and with his limited faculties, as are the grosser and more material, though lesser, ones. In like manner, therefore, we may reasonably conclude the greater things than Christ's visible miracles, which the faithful had to perform, to refer to those works of power, which the ministry of the Church effects in the spiritual class of her operations: and this gives us at once, her sacramental energy.

Upon this theory, the Catholic at once explains the selection made out of the countless miracles wrought by our Saviour. When St John, shutting up the Gospel records, twice takes care to inform us, that "many other signs also did Jesus in the sight of His disciples, which

\* Lu. x. 9.

† Mat. xix. 29.

are not written in this book,"\* and that "the world itself would not be able to contain the books that should be written," to relate all the things which He did: † we must conclude that the miracles recorded are selected from that vast unrecorded multitude, because these were particularly important for us to know. Hence St. John tells us, what was one main principle in his selection, and it accords exactly with what we concluded respecting his gospel, when treating of the parables. After the first of these two texts, he continues: "But these" (signs) "are written that you may believe, that Jesus is the Christ, the Son of God." † In other words, St. John selected his miracles, with a view to establish our Saviour's Divinity, against the rising heresies of the early Church. Accordingly, as we find him give fewer Parables, so we find him relate fewer miracles. But those which he does record, he describes with a minuteness of detail and a drawing out of proof, which are not only highly interesting, but clearly show his purpose. The most remarkable instance is, the cure of the blind man, in his ninth chapter. Every perusal of this beautiful narrative, inspires us with fresh admiration. The sifting of the evidence, and the cross-examination of the witnesses, are masterpieces of almost forensic investigation. The resurrection of Lazarus, is another similar instance of detailed narration, § directed to show how fully the miracle was tested by adverse parties, and how easy would have been its refutation or its gainsaying, had there been a flaw in its decisiveness. Another of St. John's miracles is remarkable, as bearing, like this, upon a point, towards which our Lord seems to have directed more especial miracles than towards any other; the confuting of the Jewish superstitions respecting the sabbath. St. John relates another cure wrought on the sabbath for this purpose, on which our Redeemer reasoned against the Pharisees, respecting it. This was the cure of the cripple at the pool of Bethesda, in the fifth chapter, referred to and defended in the eleventh. || When we consider that the right claimed by our Lord, over the divine institution of the sabbath, as the Jews considered it, was a strong proof of His assumption of a Divine power, we can easily understand how St. John, as well as the other evangelists, should have selected miracles in which the legislative pre-

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\* Jo. xx. 30.    † xxi. 25.    ‡ xx. 31.    § xi.    || vv. 21—23.

rogative was exercised. And as we are on this subject, we may close it by remarking, that a similar selection of miracles is to be found in the other evangelists, not only perhaps to establish the important truth, in the abstract, that the "Son of Man is the Lord of the Sabbath;"\* but, as He transferred all His authority to His Apostles, and sent them, as His Father had sent Him, to show how they were authorised to exercise this lordship, by the transfer of its obligations to another day. The miracles recorded to prove this truth are the cure of a withered hand in the very synagogue,† that of a woman bowed down,‡ and of a dropsical man.§ It may be worthy of remark, that these three miracles, (the two last exclusively), are related by St. Luke, whose gospel we saw, in our former paper, seemed clearly directed to the forming of the Church, already established beyond the want of mere evidence against the Jews, (the scope of St. Matthew,) in practical virtue and religion. The rules of Christian sabbath observance, as well as the Church's right to appoint the Christian sabbath, are thus laid down by him.

But to return to St. John's gospel, from which we have somewhat digressed, it may be worthy of notice, that besides the miracles which we have mentioned, the histories of Lazarus, the blind man, and the helpless patient of Bethsaida, there are only two others recorded by him, before the Resurrection, which, while they signally proclaim the divine power of Jesus, are most important for establishing the view which we are taking of His miracles.

While St. John made his selection of signs from the boundless riches of our Saviour's works, the other evangelists did the same. They all concur in assuring us that He healed every sort of disease;|| and yet it is evident, that they ever dwell upon some in particular, and such does our Lord himself ever select. And these we shall find, both in their own nature, and in the circumstances accompanying them, the liveliest image possible of the sacramental institutions in the Church. We will rapidly glance at each:—

I. *Baptism.*—The most striking effect of conversion in

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\* Mat. xii. 8; Mar. ii. 28.

† Mar. iii. 2; Lu. vi. 6.

‡ Lu. xiii. 11.

§ Lu. xiv. 4.

|| Mat iv. 23; xv. 30; Mar. i. 32; Lu. vii. 21.

the early Church, would be the admission to a new and wonderful knowledge of religious truth. The cleansing from original sin would be known as the direct grace of the Sacrament; but the obvious effect, and the fruit of the grace, would be the initiation into the beauties of the christian mysteries, and the participation thence resulting in the vast range of sublime religious thought. What a flash of intellectual illumination would dart upon the soul of a right-minded heathen, who had been groping in the gloom of complete ignorance, or in the twilight of a striving philosophy, when, for the first time, the Christian doctrine of man's origin, destiny, fall, and reparation, was unfolded to him! What a steady, calm, and cheering brightness would seem to overspread the moral firmament, when the principles of love of God and man, and the splendid system of christian virtues, were completely communicated to him! If to men of study, of thought, and of superior mind, such as Brownson or Stolberg, the passage from a false christianity to the true has appeared as the transition from light to darkness;—if their previous wisdom has seemed to them as mere childish perception compared with the clearness and brilliancy of the spiritual light which has shone on them, and played from its vivid centre on all other objects of knowledge, and kindled them up in its own warm ray;—what must the beam have been that flashed on a Dionysius, from the lips of St. Paul, when his noble doctrines threw into the shade all the wisdom of the Athenian council? Surely to say, that “their eyes had been opened;—that they had passed from darkness to light;—that now indeed they saw;”—would be the most natural expressions they could use to describe the intellectual change which they experienced in themselves. What would a moral pagan thinker, who was drawn towards christianity, most naturally ask, but *Domine ut videam*?—“Lord, that I may see?”\* Hence, any one conversant with the New Testament will at once remember, that “darkness” in it signifies the state of men before Christ's coming, and “light” the condition of those who followed Him.

But the spiritual condition of man was not merely one of darkness and blindness: it resembled rather a state of total helplessness. Even when his feeble ray of moral light showed him the right way, he had no strength to follow it.

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\* Lu. xviii. 35 ; Mat. xx. 33 ; Mar. x. 51.

—“*Video meliora, proboque  
Deteriora sequor,*”

was a true picture of man's mind, in regard to moral good. There was no vigour nor energy in the will; there was no stimulant to the choice of good; and worse than all, there was no consciousness nor hope of any infusion of a super-human grace. But when the christian found himself suddenly, not only able to fulfil the law of nature, but to “run in the way” of most arduous commandments; nay, when he felt himself ready and eager for suffering and death for Christ, and saw his tender daughter joyfully weaving for her own head, the lily and the rose, into a double crown of virginity and martyrdom; to what would he liken himself better, than to one who had lain grovelling till then in impotent lameness, a cripple in every limb, till set free; and new strength and buoyancy had been marvellously bestowed upon his spiritual frame?

Every other sense, even the most inferior, has its parallel in the spiritual life. The soul hears in christianity by that docility of learning, and that readiness of obedience, which belong exclusively to the believer. “The Lord hath opened my ear, and I do not resist,”\* exclaims *Isaias* in the person of Christ. And frequently those who refuse to hear the word of God, through him, are styled by him deaf,† as they are by the other prophets.‡ In the New Testament a similar use occurs.§ To open the mouth or the lips, expresses similarly the power worthily to praise God, and to speak His truths.|| Again, therefore, we may easily imagine how a christian, once fully imbued with the truths of his religion, one to whom the wonderful mystery of the blessed Trinity had been taught, with its no less sublime sequel, the Incarnation, able now to address God as He is,¶ and to speak worthily of His nature, would feel as though the enjoyment of a new sense had been given

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\* *Is.* i. 5.

† *vi.* 10; *xlvi.* 8; *lxviii.* 8; *lxiv.* 4.

‡ *Jer.* v. 21; *vi.* 10; *xi.* 8; *xxxiv.* 14; *Ezec.* xii. 12; *xl.* 4; *Mic.* vii. 6; *Zac.* vii. 11.    § *Mar.* viii. 18; *Act.* xxviii. 26; *Rom.* xii. 8.

|| *Ps.* i. 17; *Prov.* viii. 6; *Is.* vi. 8; *i.* 4; *Jer.* i. 9; *Ezec.* iii. 27.

¶ “*In confessione veræ Fidei, æternæ Trinitatis gloriam agnoscere, et in potentia majestatis adorare unitatem.*” Collect for Trinity Sunday.

him, and his tongue had been loosened, like Zachary's,\* to proclaim the mercies of God.

There are some other circumstances worthy of consideration in this matter.

1st. The afflictions which we have enumerated, are almost always congenital, or date from birth. The blind, the deaf and dumb, and the crippled, are almost always born so; the cases that arise from accident are the exceptions. And in the New Testament this circumstance is particularly recorded. St. John expressly tells us, that the blind man cured by Jesus, had been so from birth:† and two cripples cured by St. Peter and St. Paul, are especially described, as such from their mother's wombs.‡ The state, therefore, was one of privation, rather than of loss; it came with birth, and was a natural condition. This class of visitation represents, in consequence, the state of man not brought to Grace, better than those sicknesses or infirmities which have afterwards grown upon him, or have resulted from personal misfortunes. When the disciples asked our Lord, if the blind man had been so afflicted for his parents' sins,§ they gave us no bad clue to the discovery of the cause of man's spiritual blindness.

2nd. In those whom our Saviour cured, by restoring to them lost senses or power of limbs, poverty seems generally to have been an additional affliction. That He was equally willing to heal the rich as the poor, we cannot doubt. But the Evangelists have recorded for us comparatively few instances of His going into the houses of the wealthy, for such a purpose. It was the multitude that flocked around him in the street, the beggars on the road side, and at the gates of towns,|| who chiefly applied to him for relief. He went to sup with Simon the leper,¶ but we do not read that He healed him. Perhaps the proud Pharisee, who despised Magdalene, was above asking for it, or recognizing our Lord's miraculous power. This further enhances the parallel between man in his fallen state, and the healed by Christ. He was spiritually poor, as well as blind, lame, deaf and dumb.

3rd. These particular ailments are especially connected, as consequences, with demoniacal possession. We have

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\* Lu. i. 64.

† Jo. ix. 1.

‡ Acts iii. 12; xiv. 7.

§ Jo. ix. 2.

|| Mat. xx. 30; Mar. x. 52; Lu. xviii. 43.

¶ Mar. xiv. 3.

three remarkable cases recorded of this. The first is related by St. Matthew and St. Luke, of a dumb demoniac.\* The second is of one possessed, who was deaf and dumb, mentioned by St. Mark and St. Luke.† The third unites with possession, the triple loss of sense; the energumen being blind and deaf, consequently dumb, as described by St. Matthew alone.‡ Now, here again is a most striking similitude between the spiritual condition of man, and the physical state of those whom Jesus Christ mostly cured on earth, so far at least, as it has been thought, for our instruction, right to record. Man's soul was blind, deaf and dumb, through the fearful possession of the evil one, who had usurped God's dominions over the mind and heart of man. He was in the bondage of the devil, as well as in darkness and gloom. Hence the two are joined in enumerating the objects of Christ's mission. "To preach deliverance to the captives, and sight to the blind," had been foretold by Isaias, and is quoted by St. Luke,§ as descriptive of His glorious work. And speaking of this satanic mastery over man's body, we may as well remark, how fearfully, yet how strikingly it was meant to represent a similar tyranny over his soul, in one other Gospel description of it. It was a legion of devils that had invaded him, their influence had brutalized him to the level of the most unclean of animals, and then pushed him headlong into a gulf in which he must perish.||

We have not thought it necessary to strengthen what we have written by reference to authorities. There is not a point which we could not corroborate from the holy Fathers: who again and again represent the blind, the deaf and dumb, and the demoniacs as representing man in his fallen state. We will, therefore, proceed at once to the application of what we have said.

The rite by which, in ancient as in modern times, the Church acts upon that state of man, touches him with the healing power of Christ, frees him from Satan's gripe, changes his condition, opens his eyes, his ears, his mouth, and makes him rightly see, hear, and speak, and gives him strength to walk in God's commandments, is holy Bap-

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\* Mat. ix. 33; Lu. xi. 14.

† Mar. ix. 16, 24. ("Deaf and dumb spirit.") Lu. ix. 38.

‡ Mat. xii. 22.

§ Is. lxi. 1; Lu. iv. 19.

|| Mat. xviii. 24.

tism. So natural was this idea, that her whole ritual of baptism is based upon it.

First, the exorcisms which occupy its first part, show that the unbaptized are placed by her in the class, spiritually, of those under the grasp and control of the evil one. He is rebuked, cursed, and disdainfully adjured, and violently thrust out; and this is done with an energy and rudeness of language, exactly suited to the object, and like to what our Saviour used with His demoniacs. Dr. Pusey, in his well remembered Tract on Baptism, has proved that every liturgy, but the Anglican, contains these exorcisms, and consequently this idea.

Secondly, the senses are treated as requiring restoration, and the very rites are copied, which our Lord condescended to employ, for the purpose of restoring them. When "they bring to Him one deaf and dumb, and besought Him that He would lay His hand upon him:" he would not consent to exercise His power, by that ordinary mode; but "taking him from the multitude apart, He put His fingers into his ears, and spitting, He touched his tongue; and looking up to heaven, He groaned and said to him; Ephpheta, which is, be thou opened."\* Now this ceremony, the Church has, from the beginning, adopted into her ritual for baptism: where the priest, touching the ears of the catechumen, pronounces the same word, touching similarly with spittle, as in imitation of the divine action, the nostrils. And then into the mouth is put the salt, "the sacramentum salis," still further symbolizing the opening of the mouth, to speak heavenly wisdom, of which salt is the emblem.

Thirdly, in the rite for the baptism of an adult, there is a striking ceremony, which expresses strongly the Church's thought on this resemblance. The officiating bishop or priest signs with the cross the various senses, with appropriate words. "I sign thy forehead + that thou mayest receive the Cross of Christ. I sign thine ears + that thou mayest hear the divine precepts. I sign thine eyes + that thou mayest see the brightness of God. I sign thy nostrils + that thou mayest feel the sweet odour of Christ. I sign thy mouth, + that thou mayest speak words of life. I sign thy breast, + that thou mayest believe in God. I sign thy shoulders + that thou mayest receive the yoke of His

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\* Mar. vii. 33.

service. I sign thee all +” (not touching) “in the name of the Father, + and of the Son, + and of the Holy + Ghost, that thou mayest have life everlasting, and mayest live for ever and ever. Amen.” Again, when the bishop in the porch of the church, truly to the Catholic, “the beautiful gate” of God’s house, stretches out his hand to the catechumen there kneeling, and raises him up, and saying to him, “Enter into the Church of God,” leads him, holding by his stole, for the first time into the temple; how much the resemblance must strike us, with what was done by Peter, the first Bishop after Christ, when, in the name of Jesus, he bid the lame man, at the temple-gate, to rise; “and taking him by the right hand, lifted him up; and the man “walked, and went with them into the temple, walking, and leaping, and praising God:” and he on his part, “held Peter and John,”\* no doubt, by their garments, as affectionately clinging to them.

Fourthly; but the great blessing of baptism or bringing to the faith, was that which St. Peter so beautifully expresses when addressing his new christians, in the words adopted from him by St. Augustine, in speaking to the newly baptized, calling them, “a chosen generation, a kingly priesthood, a holy nation, a purchased people; that you may declare,” he adds, “His virtues, who hath called you out of darkness into His marvellous light.”† While the miracles that regard other bodily organs and powers may be considered as accessories, this bestowing of the grace of Faith, the foundation of all other virtues, must be considered as of the very essence of baptismal regeneration, and is truly the bringing of blind nature to the “marvellous light of God.” Hence in the baptismal service of the Church it is frequently alluded to, under this image. In the very opening prayer, with his hand placed on the child’s or catechumen’s head, the priest thus speaks: “all blindness of heart drive from him, break the bonds of Satan in which he hath been bound.” And again, more solemnly, and with the same important action, he prays as follows: “I entreat Thy eternal and most just pity, holy Lord, Father almighty, eternal God, author of light and truth, on behalf of this thy servant N. that Thou wilt vouchsafe to enlighten him with Thine intellectual light.” And this in the baptism of adults, is preceded by an abjuration of Satan,

\* Acts iii. 1—11.

† 1 Pet. ii. 9.

in these words: "For He commandeth thee, accursed one for ever lost! who opened the eyes of the man born blind." Finally, in the same service we have the following prayer: "I beseech Thee, holy Lord, Father almighty, eternal God, that to this Thy servant N. who wanders uncertain and doubtful in the night of this world, Thou wilt command the way of Thy truth, and of knowledge of Thee to be shown; that the eyes of his heart being opened, he may know Thee, one God, the Father in the Son, and the Son in the Father, with the Holy Ghost," \* &c.

These passages will prove sufficiently, how strong the analogy is in the mind of the Church, between the giving of sight to the bodily blind, and of faith to the unbaptized. Among the rites familiar to our Saviour as a means of cure, was that of laying His hands upon the patient, a ceremony which may be said to have become especially sacramental. This was employed by him in curing the blind; and in one instance remarkably. "And taking the blind man by the hand, He led him out of the town; and spitting upon his eyes, laying His hand upon him, He asked him if he saw anything. And looking up, he said: I see men, as it were trees walking. After that, again He laid his hands upon his eyes, and he began to see, and was restored, so that he saw all things clearly." † Now we have seen how just twice, in the administration of baptism, the priest places his hand upon the child, with a prayer for the removal of blindness at the first, and for the granting of light at the second time.

But another instance is more remarkable. When Saul is overtaken by the merciful judgment of God, on the road to Damascus, he is struck blind. Was this merely to humble and subdue his haughty spirit, to tame him, like a blinded eagle, plucked down in his first flight for prey? Or is there not also in this, a deeper symbolic meaning, to show him how the power of the Church's ministry, while it cured his corporal blindness, gave his soul also intellectual light? For Ananias coming in to baptize him, "laying his hands upon him," said: "Brother Saul, the Lord Jesus hath sent me... that thou mayest receive thy sight, and be filled with the Holy Ghost. And immediately

\* We can only refer to the Roman Ritual or Pontifical, where the two baptismal services are given, for these various extracts.

† Mar. viii. 22—26.

there fell from his eyes as it were scales, and he received his sight; and rising up he was baptized.”\* Now here we have the very miracle of blindness cured, connected with the baptismal rite: nay, more, to all appearance, blindness inflicted, on purpose to show the close analogy between the two, and to bring the visible miracle in confirmation of the invisible.

Our Lord Himself, however, has directly given us the most interesting example of this relation. We have before referred to the detailed account preserved by St. John, of the cure of a blind man. In this instance our blessed Saviour first made use of the mysterious ceremony described by St. Mark. For, “He spat on the ground, and made clay of the spittle, and spread the clay upon his eyes.” This, one might have supposed, would have sufficed to complete the cure. And so it would have done, had He so willed it. But, undoubtedly to teach a lesson, of which we ought to learn the import, He “said to him: Go wash (bathe) in the pool of Siloe, which is interpreted, Sent. He went therefore, and washed, and he came seeing.”† If Jesus desired to symbolize the miraculous action of baptism as we have described it, as giving the divine light of Faith supernaturally to the soul, He could not have done it more completely than in this, the most minutely recounted of all His cures wrought on the blind. The anointing of the eyes, for so the text describes it, ‡ was only made a preliminary ceremony, like the unction with the oil of catechumens in our baptism; but the cure was completed by the waters—not of the Jordan, the waters of John, but of the bathing-pool of Siloe, the waters of the Messiah. And even this choice is most expressive, when we take into account the Jewish belief concerning it, that it was the most efficacious bath for purification from legal defilement. § Not even Cæsar’s celebrated report,

\* Acts, ix. 18.

† Jo. ix. 6, 7.

‡ *Ἐπέχρισε*, v. 6. The act here described, like that before quoted from St. Mark, viii. 23, will appear in no ways strange to those who are aware how much a similar practice was in use among the Jews, and other nations of antiquity. See Wetstein in loc.

§ “Even if he should wash himself in the waters of Siloam,... he would not obtain complete cleanness.” *Talm. Hieros. Ibid.* where see also, on v. 6. the Jewish denunciation against anointing the eyes, or rubbing them with saliva on the sabbath. Compare v. 13.

"veni, vidi, vici," expressed more emphatically the rapidity of his conquest, than does the blind man's narrative, the instantaneousness of his cure. "That man that is called Jesus made clay, and anointed my eyes, and said to me: Go to the pool of Siloe, and wash. *And I went, I washed, and I see.*" No wonder that the ancient Christians should have applied to the baptistery, the very word used in this passage, calling it among other names, the *κολυμβήθρα* or swimming bath: doubtless from this very passage.

All that we have said will receive confirmation from a beautiful passage in Isaias, and will, in return, throw light upon it. It is the following:—"God Himself will come, and will save you. Then shall the eyes of the blind be opened, and the ears of the deaf shall be unstopped. Then shall the lame man leap as the hart, and the tongue of the dumb shall be free. *For waters are broken out in the desert, and streams in the wilderness.....* And a path and a way shall be there, and it shall be called the holy way; the unclean shall not pass over it; and this shall be unto you a straight way, so that fools shall not err therein,... they shall walk there that shall be delivered."\* It is to spiritual ailments alone that this allusion can be made.

It may well appear superfluous to add, that only in catholic baptism is a counterpart discoverable, to the class of miracles which we have classified together, as they generally are in the gospels. The exorcisms and other prayers, which we have quoted, have disappeared from the protestant liturgy; all intimation of belief in effects parallel to those miracles of our Lord will be sought there in vain. But not only in the formularies, but in the opinions of the Anglican system, there is a total absence of the doctrine necessary to establish such a parallelism as we have traced. We are sure that Faith is there neither spoken of, nor considered, as a gift of God, an infused virtue, actually and instantly communicated to the soul in baptism—into the soul even of an infant. Faith with protestants is a profession of a mode of thought; thought being an act of the individual. Hence in Confirmation, the Anglican system looks to personal profession of what had been professed by proxy, in baptism. But there is no actual belief (unless it be in the ideal church which lurks

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\* Is. xxxv. 4—9.

in the closets of Oxford theologians) that the child had, from baptism, possessed an inherent, true, and orthodox faith. Hence the first question in the Catholic Ritual, put to the catechumen is, "N: what dost thou ask of the Church of God?" and the answer is, "Faith." That the Anglican theory, even when elevated to the highest stage of High-churchism, has no perception of this most important point of the doctrine of baptism, will appear from this; that none more than Oxford theorists try to deter ladies and young men from becoming Catholics, by telling them that thereby they will be renouncing "the Church of their Baptism." For such phrase can only signify, that in baptism they were incorporated into the English establishment, as a body distinct from the *orbis terrarum* Church, or the Catholic Church in communion with Rome. For if Anglicanism be a part of the one universal Church, such an expression is as unmeaning and as absurd, as if one were to say to a man, "Do not become a British subject, lest you cease to be a citizen of London:" or to a soldier, "Do not join the body of the army, lest, thereby, you renounce your regiment." The phrase, therefore, means, that Anglicanism is so distinct from Catholicity, as that the baptism of the one is not that of the other. Now for this to be, either the baptized child receives no faith, or it receives faith according to the holding of Anglicanism, as distinct from that of the Catholic Church; and that is clearly no faith at all. The only sense to be attached to such a now "cant phrase" is: "In baptism you made *profession* of Anglicanism, and it is sinful in you to depart from that *profession*." And this meaning is rendered more evident by the fact, that they who use it *profess* Anglicanism, but make no scruple of *believing* Catholicity. The expression is another Protestant novelty: we are only surprised that it had not been forestalled by the Donatists. It makes the Church more like the corporation of a close borough, than the empire of God over the whole world.

The catholic Church, on the other hand, considering Baptism as the *Janua Ecclesie*, "the gate of the Church," considers every one validly (even though unlawfully) baptized, as a member of the true Church, a Catholic, possessing sound faith, as well as other infused virtues, and as continuing so until some contradictory act destroys the virtue, and transfers the unhappy victim to the dominion of error, schism or heresy. Look well to this, ye high church

teachers ; every one of you, if duly baptized, has once, in the estimation of the Catholic, Universal, One Church, been a member of it. Each of you has left it by an act of apostacy ! and your children, whom you have with your own hands baptized, that the sacred rite might not be made void by the profane carelessness of its daily administration around you, these yet innocent prattling little ones, are still ours, in communion with the holy Church of God throughout the world. When the day comes, that you, more in doubt than is consistent with safety, about your own position, shall pour into their docile ears, the poison of a heresy which you regret, shall make them believe that Jesus Christ has left no one united Church on earth, or that he commanded not communion with Peter, or that the titular of your diocese is a descendant of the Apostles, or that Mary should not be invoked, or that baptism made them Anglican, or that there is no real corporeal presence of our Lord in the Eucharist, or that priestly absolution is not of necessity for pardon of sins ; or should the day come, (for strange things do now happen,) when you will teach exactly the contrary, and tell your children that your Church (as you call it) holds every one of the opposite doctrines, just as Catholics do, and so cheat them verily into a heretical profession of orthodox doctrine, when that day comes, know ye, that you will be guilty of a parricidal act, you will pluck from off your children's body that white garment of innocence, (for heresy is sin,) which in every real baptism is spiritually placed upon the neophyte, you will snatch the burning lamp of orthodox faith from their hands, you will tear off the garland of joyful adoption which true Baptism placed upon their heads. You will do worse ; you will reverse the wonders of Baptism ; you will undo its miracle. You will blind the eyes that have been once opened, seal up the ears again that have been unstopped, tie up the tongue that has been loosened, and cripple the limbs that have been made whole. Oh ! think of this, before it becomes too late. You, whose own minds are tempest-tossed, uncertain of your faith, who, perhaps flatter yourselves with the hope that unity may yet be restored, and you may be carried safely by the gulf-stream into the haven of catholic rest ; you who will not venture to say that no occurrence may happen that will unmoor you from your present position, and drive you into our Church ; you, above all, who say, that while you believe it to be

your duty to remain where God has placed you, you would rejoice had His Providence from the beginning rooted you in the catholic Church, who "would give anything" to have been always catholic—spare your own pains, your own stings, your own tortures, to those you love; forego the delusion that you can educate your children catholics in an Anglican church, or an Anglican parsonage; frankly and generously give them up to the only mother that will train them holily; make them pledges of your love, which you give not to your own system; send your treasures where you profess your heart to be, that the two be together, and you give not the lie to Truth. Yes, we boldly repeat it, there are many now in Anglicanism, who cannot, without fearful sin, allow their children to be brought up in it, for they have not the excuse of a false conscience. Their only escape is, to let them continue safe in the Church of their baptism, the One, Holy, Catholic and Apostolic Church.

II. *Penance.*—It will not be necessary to delay the reader long upon the other Sacraments. The application of our Lord's miracles to them will be less complicated. If those afflictions, which disable man for work, which afflict him from his birth, which visit him rather as negations or privations of good, than as a positive withdrawal of what has been held, and which were in Christ's time united often with demoniacal possession, seem most aptly to apply, as figures, to unregenerated man; those ailments and diseases which befall him in his course of life, and often end in death, may be taken to symbolize those spiritual distempers which he brings upon his soul by sin. Indeed, so accurately could the resemblance be traced, that particular complaints might be easily compared to particular sins or vices. Even the heathen poet could read the parallel between the avaricious mind and him who

"Crescit indulgens sibi dirus hydrops."

Anger is a fever of the mind, anxious care its gnawing canker, jealousy its jaundice, pride its plethora, sloth its atrophy.

But we will confine ourselves to three of the lashes of that scourge, which fell upon man when first he sinned.

1. The first of these is palsy. It is not unfrequently the consequence of excess, and it reduces the man to a helpless condition: it deprives him often of utterance, it inca-

pacitates him for work. It makes him, as far as possible, what we have before described, as symbolizing the state of fallen man. What more exact image of what man does to his own soul by sin? He makes it a palsy-stricken, prostrate, trembling, helpless, useless, wretched thing. The cure recorded by the three first evangelists,\* of a paralytic man, is especially interesting for this, that it is evidently recorded to establish the Catholic doctrine on forgiveness of sins. The patient is brought before our Saviour, by being let down through the roof; and instead of at once healing him, He addresses him in these words: "Man, thy sins are forgiven thee." Now this mode of acting no doubt proceeded from the charity and goodness of Jesus, who, like a skilful physician, would not deal with a lesser malady, while there was a greater in possession. But the words were, most assuredly, designedly spoken. They were intended to provoke a grave objection, and to afford an occasion to answer it: and that answer was to be of solemn and dear importance to us. They indicate, moreover, how the sight of the man's corporal affliction brought to His mind his spiritual and unseen state. For else, wherefore, did He not address the same words to any of the bystanders, who may have needed, as no doubt most did, this timely pardon? But this poor wretch's prostrate frame and quivering limbs, were to Him but the lively image of a soul overthrown, and disabled by sin. Some Protestant commentators have considered this expression equivalent to a declaration of cure; but it is clear that the effect of restoration to bodily health did not ensue. We must, therefore, conclude, that true remission of sins was here granted; and the more, because the very same words are used as were on occasion of Magdalene's forgiveness.† The Jews, inwardly think, that our Lord blasphemes by arrogating a power which belongs exclusively to God. "Who is this that speaketh blasphemies? Who can forgive sins but God alone?" Had He merely cured the poor man, they would not have raised the objection. They had seen Him cure plenty of such: but evidently, they considered the power of healing spiritual maladies so much higher and greater, that they could not allow the one necessarily to involve the other. He, therefore, meets their thoughts, and answers: "Which is

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\* Mat. ix. 6; Mar. ii. 10; Lu. v. 24.

† Lu. vii. 48.

easier to say, Thy sins are forgiven thee; or to say, Arise and walk? But that you may know that the Son of Man hath power on earth to forgive sins, (He saith to the sick of the palsy,) I say to thee arise, take up thy bed, and go into thy house."\* Our Lord Himself may be said here, to draw the resemblance; first, between the two ailments, the body's and the soul's; and secondly, between the cure of the one and that of the other, between the healing of a grievous malady, and the forgiveness of sin. He, moreover, establishes the adequacy of the resemblance, comparing them as acts of power, and showing how one was of the same nature as the other, each a miracle. If then, to the Apostles He gave this very power; "heal the sick:"† and if afterwards, as though almost alluding to this very passage, and using the same words, He repeats the assertion of His own power on earth, and communicates it to them, to the extent of doing that which He cured the palsied man to claim—the right of forgiving sins: ‡ we may surely conclude that this prerogative was received by them in a sense, which perfectly made it correspond with the miraculous gifts conferred on them. And who doubts that of the two, the spiritual healing was a much greater boon from Christ our Lord, than the visible and corporal? Who doubts that, "thy sins are forgiven thee," though to men as easy to say, was a far greater mercy than, "arise take up thy bed?" Had the latter alone been spoken, it might have been the prolongation only of a life of sin, and an accumulation of condemnation, that would have ensued. Had the former only, they would have secured to the sick man, at least, an everlasting life. And as the boon, so was the power from which it flowed.

Here then, we have the parallel exactly established between a visible act of supernatural power, and an invisible exercise of an equal, or greater, power. When the Apostles raised a paralytic, all the multitude would applaud, as they no doubt did when St. Peter, almost in

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\* Lu. v. 23, 24.

† Mat. x. 8.

‡ Compare "the Son of Man hath power on earth to forgive sins" with "*all power* is given to me in heaven *and on earth*," (Mat. xxviii. 18.) and "as the Father sent me" (*on earth*) "so do I send you. Whose sins you shall *forgive* they are *forgiven* them." (Jo. xx. 21, 23.) The words in italics are the same, in the different passages, in the original.

the same words as his divine Master, said to Eneas, "who was ill of the palsy," "Arise, and make thy bed; and immediately he arose." \* But they did much more, and no one saw it, when, in virtue of their higher commission, they forgave a man his sins. This parallel leads us to the following conclusion. 1stly, The commission to forgive sins was, in regard to the soul, what the charge to heal the sick, here fulfilled by St. Peter, was with respect to the body. 2ndly, It was to be exercised by a specific act, as was the raising of the paralytic. 3rdly, It was to be not declaratory but efficacious. 4thly, It was to be followed by instantaneous effect. The sinner was to be as truly forgiven, on the words being pronounced, as the sick man was well, when he had heard the command to arise. Surely it is only in the Catholic Church that all this has reality; or even that any one believes, that there exists, vested in the successors of the Apostles, a power which permits of such a comparison with the cure performed by our blessed Redeemer.

2. It would be wasting our reader's time, to endeavour to prove that the leprosy was a fitting emblem of sin. This fitness arises from the character of the disease; it is an uncleanness as well as a malady. It commenced generally by a small spot: if not checked, it increased and spread; it eat into the live flesh, it separated the limbs at the joints, and it finally caused death. It was, moreover, deemed infectious, and thus further resembled sin. But in addition, it was not left to be treated by the physician, but it was placed especially under the jurisdiction of the priests. To them the person conscious of the disease, had to present, and to denounce himself. They had the minutest rules to guide them, in forming their judgment, and pronouncing on the complaint. If they did not declare the patient clean, they put off his case for some days longer, and he again submitted to sacerdotal judgment. Even if he were now declared free, he had to perform certain acts, as washing his garments, before he rejoined his people. But when the defilement was certain, and the disease manifest, he was separated from the people; he wore a

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\* Acts, ix. 38. While this miracle presents a resemblance to the healing of the palsied man in the Gospel, the account which immediately follows it, (the raising of Tabitha,) has no less resemblance to the raising of the daughter of Jairus. (Mat. ix. 23.)

peculiar garb, he lived without the camp or city, and he cried out to every passer-by that he was unclean. Then, if at last restored to health, many mysterious rites had to be performed: the principal or final one, of which was, that he should "take a lamb and offer it up as a trespass offering," and "immolate the lamb where the victim for sin is wont to be immolated, and the holocaust, that is, in the holy place."\* All this was done after the leper had been allowed to return to the communion of his fellow-citizens.

We cannot be surprised that the ancient Church should universally have considered this malady, as the most natural type of sin in the individual, as the privations of sense in our former classification were, of the sin of the whole race. Leprosy and sin are almost synonymous in ecclesiastical language, even where the bodily affection itself was unknown. But to see fully the accuracy of the resemblance, we should view it as demonstrated in the discipline of the ancient Church. There the sinner, as now, when conscious of transgression, presented himself to the priest of God. But in those days of fervour, this minister of justice, as of mercy, took into deliberate consideration the offence committed, and while he admitted to forgiveness, and slighter works of purification, the lesser offender, sentenced the more guilty to public separation from the faithful, and severe expiation of his crime. His leprosy was revealed to all by his penitential garb; and how strikingly resembling the treatment of the leper must his case have appeared, as he stood at the gate of the Church, telling all that entered in, that he was a sinner, unworthy to join them in communion of sacred offices. Then when the time came for pardon, the priest once more spoke, and pronounced him clean; and what was his first act? Surely, as it is now, with every penitent in the Catholic Church, to hasten to the holy place, to assist at the immolation of the Lamb slain for sin, and there partake of the sacred victim. And although that outward separation from the faithful, which served to make the parallel so perfect, has now ceased in the discipline of the Church, yet all that is essential has remained; so that to this day, "to distinguish between leprosy and leprosy," is a familiar expression in writers instructing the priest, how to discern, and deal with, sin.

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\* Levit. xiii. & xiv.

It will not be surprising that our Saviour should have dealt with this distemper, as distinct from other ailments. The cleansing of lepers is distinguished from other works of power, both in the narrations of the Evangelists, and in His own enumeration of such acts.\* In his commission to His apostles, this is mentioned as one of the powers committed to them. But He was pleased to show how He did not allow even the exercise of His miraculous power to supersede the provisions of His law. Accordingly we find, that in every instance distinctly recorded of His healing this complaint, He sends the patients to the priest to receive from him, ratification as it were, of the cure which He had performed. Whether he first completed it, or left the recovery to appear after, He gave them the same command.† Now if leprosy represented sin, and the miraculous healing of it showed forth the pardon of sin in the Church, this peculiar attention to the law which over Him had no force, most aptly serves to complete the resemblance; by showing how, if even in the figure He would have the interposition of the priestly ministry, so much more does He require it, in the fulfilment, which He has made one of the very highest duties and prerogatives of the sacerdotal office.

In describing the treatment of sin in the Church, compared with the treatment of leprosy in the old law, we have shown how exactly the type finds its accomplishment in the former. And we see how the inward cleansing from sin, by the word of the priest, corresponds exactly with the action of Christ, when, in commanding phrase, he simply says: "I will: be made clean." But if it is exclusively a Catholic practice and doctrine, thus to make forgiveness of sin dependant on the exercise of an act of ecclesiastical jurisdiction; if it be solely with us that the leper must come before him who has to heal him, and declare himself unclean, as such did with our Lord; how boldly Catholic is that further analogy with what He practised, which consists in compelling even those whom God Himself has pardoned, to show themselves to His priests, make known even forgiven transgression, and hear his sentence, though in this case anticipated, rather than ratified, in heaven. For while no one, even in the Anglican system, dares to

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\* Mat. x. 8; xi. 5; Lu. vii. 22.

† Mat. viii. 4; Mar. i. 44; Lu. v. 14; xvii. 12.

make confession compulsory, in even extreme cases, but some admit it as one mode of obtaining pardon, the Catholic Church admits of no exception. Let the sinner, pierced, not by lightning of God's judgment, but by the very arrows of His love; plunged, not into an abyss of despair, but into an ocean of sweetest confidence, burst his very heart in penitent sorrow; let it be full and deep as that of David, when Nathan pronounced his forgiveness:\* tender and gushing as that of Magdalene, when Jesus spoke her pardon: let it be that perfect contrition which bespeaks instant remission; yet he hears a voice, as he rises from the outpouring of his grief, which tells him: "Go show thyself to the priest." He knows it has been a condition of his forgiveness, (if he can presume to hope it has been already granted,) that he should submit to the keys of the Church, manifest his past frailty, and receive the only assurance of reconciliation and restored grace, in this life—the absolution of Christ's minister. In fact, so perfectly does the Church Catholic act to this example of her Lord, and believe in the lesson which He gave for curing the leprosy, that she admits no contrition to be perfect, which does not contain confession *in voto*, in desire and intention. Most faithfully, then, does she copy His practice, in exercising the marvellous power confided to her, of healing the leprosy of the soul.

3. It would seem to us even more superfluous than in our last illustration of sacramental penance, to trace the resemblance between its exercise, and the raising, by our Lord, of the dead to life. A few brief remarks will suffice to sketch it, as peculiarly belonging to us.

One of the offices of the Holy Spirit in the Church, is to "convince the world of sin,"† that is, among other effects, to give a right understanding of its nature. In the Old Law it was merely considered as a transgression, a violation of a precept, for which anger and punishment were to be expected from God. The inward havoc of sin in the soul, is not to be found described or alluded to, even in the fervent outpourings of sorrow, which David first manifested. The spiritual life, as we have before observed, was but obscurely and imperfectly understood. If we may use so strong an expression, sin, once committed, was external to the sinner, it was a reckoning which he had to

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\* 2 Reg. xii. 13.

† Jo. xvi. 8, 9.

make with God. It lay at his door,\* it would be a lion on his path,† but it was not the inward domestic enemy; it was not disease, canker, blight and ruin. With the doctrine of Grace, which christianity first revealed, came the knowledge that the soul has a life by that gift, the loss of which involves spiritual death. And Grace is forfeited by deadly sin. This is a language familiar to a catholic child, taught in every catechism; hence to the eye of faith a soul in such guilt, is as truly dead as is a corpse to that of the body: and the contemplation of it moving amidst the occupations and affections of life, presents as hideous a spectacle as would a body with unmoving features, sunless eyes, blanched lips, and icy limbs, gliding silent through the merry dance. There is a reality attached to this thought of spiritual death, in a catholic mind, which shows itself in many ways. For example, a mother like St. Monica does not express "her regret that her dear son should be so wild, but hopes he will become steadier," as many a modern parent would speak of the *vices* of a son, and think she had paid a tribute to virtue; but she weeps bitter tears, and follows him from land to land, and fasts and prays, and pines in grief, and why? Her son expresses it to the life: "*me multos annos fleverat, ut oculis suis viverem.*"† She believed, nay she knew him to be spiritually dead: and she wept over him as a widow does over her dead only child. Hence, the Church most becomingly appropriates to her festival, (May 4th,) the history of Christ's raising the son of the widow of Naim,§ as beautifully symbolical of the conversion of her son; and further reads his own commentary upon it, in the office, applying the narrative to the restoration of the soul to life. And what else is the secret of penitent grief, such as St. John Climacus describes among the solitaries of Egypt, such as every Charter-house, or Cistercian abbey could exhibit, and yet does, where men, who have every reason to hope that pardon has been vouchsafed them, will continue, for long years, to mourn and do penance; but that deep earnest conviction of sin and its detestable enormity, which makes them loath its defilement, abhor its impiety, and dread its deadly stroke? which from very love of God,

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\* Gen. iv. 3.

† Eccclus. xxvii. 11, 31; xxviii. 27.

‡ Confess, lib. ix. c. 12.

§ Lu. vii. 11.

makes the estrangement from Him which it causes, the deadly cold obstruction which it opposes to his life-giving graces, a state as fearful as that of bodily dissolution and corruption?

This sentiment is not to be found in protestantism; it is contrary to its very first principles. First, such effects as we have described, are not witnessed nor approved there. To weep, to mourn, to afflict the body, to fast, are *works*, and are familiarly considered as opposed to justification by faith. Hence there is no provision for them; no religious solitudes, no penitential communities are to be found, where protestantism prevails. As things to be plundered, stripped and beaten down, it knows of them; but not as things to be admired and upheld. Hence, secondly, it is astonishing how easily a load of sins is supposed, in the protestant, and consequently in the Anglican, system to be got rid of. Suppose a man, a noble one for example, to have been notorious through years, for open and scandalous vice, addicted to shameless immoralities before the world: well, if growing gray, he begins to go about the neighbourhood in his phaeton, leaving bibles at every cottage, and giving tracts to every village dame, and fits up the family pew, and becomes president of the county auxiliary bible society, and presides at May meetings in the season, the scarlet of his youthful sins becomes at once white as his locks of snow; and no one, any more than himself, thinks of sorrow and tears, as having been necessary to make him—a Saint. But, thirdly, we find a marked abhorrence in protestant writers, of the distinction between mortal and venial sin. They reject the very idea of there being such a thing: they hold the Stoic maxim that “all sins are equal.”\* What is the necessary consequence? That there is no apprehension of any deadly character in *any* sin. For who can bring himself to imagine, that a passing thought of anger, or a hurried word of impatience, or a trifling act of unkindness, kills the soul and robs it of grace? Then, how can the more grievous act of deliberate crime do so, seeing that it is no greater sin? There is only one escape, that such failings as we have mentioned are not sins at all; and hence comes a dullness of conscience, and a heaviness of perception, respecting sin, which soon extends to more heinous trans-

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\* Cicero, *Paradoxa*.

gressions. For the greatest security against mortal, is the dread of venial, offences.

The view, then, of sin which makes death its most perfect symbol, even in this life, is distinctively catholic. And thus the raising of the dead is most eminently representative, with us, of the ministerial power to forgive the sinner. Hence, in the three instances of resurrection recorded in the Gospel, there is scarcely a circumstance related, which does not strike the catholic's mind, as containing an analogy with what he sees in the sacrament of penance. And they whose ministry is employed in it, will, more than others, feel the resemblances. We will rapidly enumerate them.

1. There are three dead raised, each of whom represents a different class of sinners. The first is just dead—the beginning of sin: the second is being carried to the grave—the commencing of habitual transgression: the third is buried and lying in corruption—the obstinate and forgetful sinner. With each of these the priest has to deal; and he finds in each a practical lesson.

2. The first is indeed a corpse, but the minstrel and the multitude are still around it—the world and its vanities ministering to the dead spirit! When he that would raise it to life approaches it, and speaks of his wish, they laugh him to scorn. They must be put away; silence and quiet are necessary to raise the soul. Peter is there with his keys, James with his earnest zeal, and John with his gentle charity. A kindly hand is stretched out, and in the power of that hand, the dead one rises. And what shall be done next with her, that is, with the soul? He who has raised her, “bids them give her to eat.”\* As there was a banquet when the prodigal returned, as there was feasting and rejoicing when the stray sheep was brought back, so surely must there be a rich and dainty repast, to refresh the dear daughter of the house, brought back to life. Did the mother spare, that day, her sweetest stores? Did the ruler of the synagogue stint of his richest cellarage, to warm his child's frame, or to make his congratulating guests rejoice? And shall the Church, to whose motherly care the revived soul is committed, be less parent-like than they? Will not she have her banquet too, ready? and for the hour, is not she the dearest to her,

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\* Mat. ix. 23; Lu. viii. 55. Compare the two accounts.

who has been the most cruelly severed from her, of her children? and is not the feast for her especially? Surely so, as it was for the prodigal. And how strange, but how beautiful, that, as if intending to show us the identity of the two lessons, in the parable and the miracle, our Lord should have made the prodigal's father say: "Let us eat and make merry; because *this my son was dead, and is come to life again*, was lost and is found."\* The dead raised, and the prodigal returned, are one and the same: and both must be refreshed. This is, indeed, what the Catholic Church alone understands.

3. The second has left home, the house of the weeping mother: strong ones are bearing him to the grave. A stronger hand must arrest them in this cruel errand. At its touch, they that carry must needs stand still: a more powerful command is uttered, and the dead youth rises from his bier. What shall be done with *him*? What the Samaritan did with the poor wounded man, after he had dressed his wounds. He gave him in charge to the inn-keeper, to provide for all his wants. And here there is one by, the one by whose tears Jesus was moved to exert His power, far better than the inn-keeper—for she is his mother. "And He gave him to his mother."† There is something inexpressibly sweet in this expression. Was he not her's before? Had death broken the filial tie, and did it need to be renewed? No, but a new and tenderer relation was established: by birth she had rights over him; but the second life which Jesus bestowed was His: and His rights He resigned to her. He was to be doubly her child, because he was a second time given to her by Him: and he had from henceforward, to pay to her the gratitude, the obedience, and the filial love, which He might have claimed for Himself. Yes, truly; He has given repentant sinners to His Church, as the tenderest part of her charge. And to the ear of loving children, there is an undersound in this phrase, mystically soothing and consoling. "And He gave him to His Mother," sounds so like a prelude to the sweetest words ever uttered on Calvary. For how else could He *give* a son to his mother, but by saying: "Woman, behold thy son?"‡

4. Finally, Lazarus has been four days in the grave:

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\* Lu. xv. 24.

† Ib. vii 15.

‡ Jo. xix. 26.

“Quatriduanus est, jam fœtet,” say his own sisters, who are not likely to exaggerate the foulness of his condition. And here groans and supplications are necessary, and the uplifting of heavy obstructions, and the drawing forth from corruption of the dead thing, that once was a living man, by a strong command; and then comes the loosing him from his bands, as he starts to life. How distinctly allusive to the power to bind and to loose are these words: “And presently he that had been dead came forth, *bound* feet and hands with winding-bands, and his face was *bound* about with a napkin. Jesus said to them: *Loose him*, and let him go.”\* He did not do so Himself, but He commissioned others. *They* have to loose for Him those bound in the *laquei mortis*, “the toils of death.” And where do we next meet Lazarus? Precisely where we might expect. At Bethania “they made Jesus a supper, and Martha served, but *Lazarus was one of them that was at table with Him.*”† It is always the same—the banquet for the recovered dear one. But here it is quite defined: he who a few days before was dead, was lying reeking in corruption, even he is at table with Jesus. O holy, sweet, loving Church of God! How we recognise thee at every step, in the workings of love divine among men! Unchanged as Himself, thy Spouse and Master, forgetting not one of His examples, dropping not one of His blessed words, how dost thou renew, day by day, the beauty of His character reflected in thee, and the splendour of His institutions, ever fresh in thy right hand!

It is an invidious, and we sincerely believe, a hopeless task, to examine the claims of others to similar coincidences. They may say that all these minute comparisons are fanciful and arbitrary. There is an easy test. Show that they can be made in some other system, and we will own it. If not, whence comes it that the catholic system alone, yea, the corrupt, the superstitious, the silly, the unspiritual system of Popery should furnish throughout, not a faint resemblance, but a minute, distinct, and lively counterpart, to what our Saviour did in His greatest works on earth?

III. *Extreme Unction*. It is worthy of note, that St. Mark, who generally is considered to follow closely St. Matthew, should alone have preserved for us three instan-

\* Jo. xi. 44.

† Ib. xii. 2.

ces of cures by external rites. Two we have already seen, in the restoring to health of a blind, and of a deaf and dumb, man.\* The third remains; and to Catholics is most interesting. It is the following. The apostles "cast out many devils, and anointed with oil many that were sick, and healed them."† This calls to mind the well-known text of St. James: "Is any man sick among you? Let him bring in the priests of the Church, and let them pray over him, anointing him with oil, in the name of the Lord. And the prayer of faith shall save the sick man; and the Lord shall raise him up, and if he be in sins, they shall be forgiven him."‡ The resemblance of this text of St. Mark's narrative, suggests at once to the Catholic the type of Extreme Unction in these first apostolic miracles. A few remarks will here suffice.

1. We do not find recorded any where, directions from our Saviour to His apostles, to use this means of cure. Yet though three evangelists (including St. Mark) give us in detail His instructions, and this practice of anointing is not mentioned by any, we cannot hesitate for a moment, to believe that it was prescribed by Himself. This will show us how His institution must be assumed in other cases, where we find practised by His disciples what we do not read to have been commanded. When, therefore, St. James enjoins, unhesitatingly, the anointing by the priest, as to be followed by remission of sins; as we must suppose the miraculous cures wrought by the unction, to be proof of divine appointment, so we may well conclude, that the more wonderful effect of forgiveness of sins could not have been attributed to the same act, unless an equally supreme sanction and promise had been attached to it. It was, therefore, a sacramental action, and as such permanent.

2. We may consider this an established principle, that what was instituted for men's souls was to remain; what for their temporal benefits was temporary. We have an example in the appointment of deacons. On the face of the institution, it was to serve a merely casual and secular purpose, "to serve tables," or distribute alms.§ But it becomes evident from St. Paul's description of the diacanal character,|| that they were invested with an ecclesiasti-

\* vii. 34, viii. 23.

† Mar. vi. 13.

‡ James v. 14.

§ Acts vi. 2.

|| 1 Tim. iii. 8.

cal dignity, and they were ordained by imposition of the apostles' hands.\* The Anglican establishment has reasoned wisely in this case, that, though the temporal functions of the deacons have ceased, it does not follow that the institution itself ended with them, even though they were the immediate cause of the appointment. What was temporal was temporary, and no longer continues; but the spiritual gifts and duties subsist to the end. In like manner it has reasoned rightly, (though it has sadly failed in application of its reasoning,) that what was *purely* miraculous in divine commission, was a personal gift to the apostles; what was of spiritual benefit to the Church, was to descend to their successors. But it could not see in St. James's text the same distinction, and separate the spiritual benefits of forgiveness of sins, from the raising up of the sick man; and consider the one as enduring, the other as, *perhaps*, temporary. Yet a clear analogy would have led any one of sense, unblinded by puritanical hatred of forms, so to conclude.

3. But the Catholic Church has no need of such explanations. She takes the text as it is; as the fulfilment of the whole of Christ's promise. The Apostles are to do His works, and greater than His visible works. And in the catholic doctrine of Extreme Unction, this is believed by us to be done. That bodily health is frequently restored by it, no experienced priest doubts from his own observation, independently of the Church's teaching. This is the work equal to Christ's. That sins are forgiven by the sacrament, no catholic is allowed to doubt. This is the work greater than men saw Him do on earth. It was the same when St. James wrote. The miraculous, the visible, the striking effect was allowed to continue the more marked and attractive. But who that judges, "comparing spiritual things with spiritual,"† will for a moment imagine, that in St. James's mind, the raising to health could have been considered a primary effect of any institution or rite, which at the same time gave pardon of sin? Or that this, when certain of effect, and consequently most salutary to man, could ever have been held secondary to the healing of the body? Those who have seen that beautiful spectacle, the sudden kindling up of St. Peter's in Rome at Easter night's illumination, will remember

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\* Acts vi. 6.

† 1 Cor. ii. 13.

how in each lamp was a heap of light inflammable materials, which, touched by the torch, instantly blazed brilliantly forth, but quickly faded. This was not the lamp destined to burn through the night, but was only meant to light this up. For when the first flash had subsided, the steady light which succeeded it, though far less dazzling, fed upon unfailling nourishment, and in spite of wind or rain, burnt unflinching to the end. Such was this, such were other institutions. Two lights were kindled at the same moment; but one obscured, or over-shone the other. The first was the brilliant, miraculous gift: that of tongues in Confirmation, that of healing in Extreme Unction. These gifts were made for a time, and proved the reality of that constant, perpetual grace, which was for the while obscured by them. And when they were withdrawn, they left that other undying flame burning as brightly as at the beginning; for its invisible, unfailling oil, is the unction of the Anointed.

IV. *The Blessed Eucharist.* It would indeed have been strange, if miracles had been wanting to foreshow the miracle of spiritual miracles. But there are such, and most splendid, most perfect, and most beautifully illustrative of the Catholic doctrine. We will dwell upon these, though not at the length which the importance of the subject deserves.

1. Our blessed Lord Himself has furnished us with a clue to the connection between the first and His own institution. He who did nothing without a design, intended to communicate His doctrine respecting this food of life: and by way of preliminary, He led the people into the wilderness like Moses, and there miraculously fed them. Five thousand men, besides women and children, were fully satisfied with five loaves and two fishes. Nor was the feast exhausted. Twelve baskets of fragments of bread remained: and who doubts that these would have sufficed, as well as the original loaves, to feed as many more? The people saw the analogy between this feast, and that of manna in the desert; and through it, our Saviour led them to His heavenly discourse on the B. Eucharist. The other three Evangelists record this miracle, but not the doctrinal teaching which resulted from it.\* Two of them relate a similar miracle, where

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\* Mat. xiv. 15; Mar. vi. 42; Lu. ix. 16; Jo. vi. 11.

four thousand were similarly fed.\* The repetition of a miracle, of such magnitude, seems intended, as it is calculated, to fix our thoughts upon it.

First, we must be struck with the motive of the miracle—it was compassion:—"I have compassion on the multitude." Who but the Catholic familiarly calls the Eucharist the "Sacrament of love?" It is to others a commemorative rite, intended to revive the memory of Christ's passion. But as an outpouring of divine affection, as the communication of God's love to man, it is only by us that it is regarded. We consider it instituted out of compassionate love for man, as medicine, as food, as support, as riches, as a dainty, to strengthen and cheer him in the desert of this barren life.

Secondly, this miracle was not an individual one, not a prerogative or favour. It required no particular state, beyond appetite or desire, to receive it. Food was given to the strong man as to the feeble, to the healthy as to the sickly, to the young as to the old, to the rich as to the poor. One relished it keenly, another barely took it as sustenance: one enjoyed its flavour, another seemed scarcely to taste it. One expressed himself warmly in gratitude, another appeared barely thankful. But there it was for all, for the mere asking; and when it was over, it was hardly a thing to talk about: one would hardly boast of having partaken of that bread, as one would of having been restored to sight by Jesus; and men would not have gone to a distance to see a person who had eaten of that miraculous food, as they went to Bethania to see Lazarus, raised from the dead.† And this, because the miracle left no visible evidence after it: because it was for the benefit of so many, (which only made it the greater,) and because it bore such a homely aspect. Such also is the feeling with regard to the blessed Eucharist. Its wonderful mysterious effects do not strike, nor unhappily excite the gratitude and admiration it deserves. But, like the bread of the desert, it is the food for all—"sumit unus, sumunt mille:" and it is partaken of by all manner of characters, the fervent and the lukewarm, the strong in grace and the feeble in desire, the rich in virtue and the poor.

Thirdly, in this miracle, our Saviour does not act,

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\* Mat. xv. 32; Mar. viii. 6.

† Jo. xii. 9.

beyond, by His blessing, multiplying the bread. Its distribution He leaves to His apostles. They arrange the throng, they carry round the food, they give to each his share, they satisfy all, they treasure up the fragments; and lo! wonder of wonders! they reserve as much as they began with, the self-same food comes for the next comers, and they may come in thousands, and it shall suffice.

Fourthly, the miracle thus meets one of the most popular objections against the catholic doctrine concerning this Sacrament, that many partake of the same food at the same time; "*nec sumptus consumitur.*" For it is not said that our Lord created new bread, nor diluted what there was, so to speak. From beginning to end of the banquet, they were the same five loaves and two fishes, which were eaten by this hungry crowd, and the fragments left would have made up the same loaves and fishes again. Any other theory alters the character of the miracle. It would not be that our Lord fed 5000 people *with five loaves*, but that having *but five loaves*, he created, say 4995 more, to give each person one. In that case, there being five loaves at the beginning had nothing to do with the miracle; this consists in the creating of the others. Then, according to the Gospel narrative, more than five thousand persons were actually eating the same food, and each one had enough, and it was not consumed. How was this? The catholic answer is plain and simple; in the same manner, as it happens every day in the blessed Eucharist. One miracle is a counterpart to the other.

2. Another great objection to the Catholic doctrine of the Blessed Eucharist, is directed against Transubstantiation. The change of one substance into another, seems opposed to all our notions. And yet we believe modern chemistry is fast approaching to conclusions which will greatly modify that old pretended contradiction of science. Such a change is no doubt miraculous; and against this perpetuation of miracles protestantism protests. But that is of its essence. Our dear Lord, therefore, was pleased to make the evidencing of such a transubstantiation His very first miracle.\* We will make but a few remarks upon it.

First, it was at a feast that He was first pleased to

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\* Jo. ii. 9.

manifest himself to the world. It was by a feast, that He closed His ministerial career. At that first feast at Cana, He emerged from His first state, His hidden life; at the second, He passed again into its last stage, its sorrowful and afflicted close. The first was a marriage feast: and what was the last? let loving Spouses, like St. Catharine, or St. Rose, or St. Juliana answer. What must that feast be, at which, for the first time, is poured forth the "*vinum germinans virgines?*" How like are these two feasts!

Secondly, at the first feast the wine fails. Of water there is abundance; but the nobler beverage is wanting. How is the desire of the guests to be satisfied? By changing the ignoble into the noble, the water into wine. Here is the first stage of change, the first exercise of the transmuting power. What must the next naturally be? Wine was the richest, most generous, most invigorating of nature's productions. Earth could yield nothing more excellent than the vine and its fruit. The water, which filtering through the earth, is caught by its roots, elaborated into its sap, distilled into its grape, and there sweetened by the sun, is raised in nature and qualities, in the estimation of men. Our blessed Lord, by one simple action, gave it that higher existence. Then it must now be changed again at the second feast. And for whom? For *us* who want—not wine, not earthly growth, of any sort. Man was surfeited of that, and called for better refreshment. If the first transubstantiation was so great and so worthy of the power that made it, what shall we find, into which the wine itself shall be changed? There is but one stream, a draught from which would refresh, renew, revive our fainting race: but who shall dare to ask it? It was of "the water out of the cistern that is in Bethlehem," (the house of bread,) that David longed to drink, but he shuddered to partake, saying: "The Lord be merciful to me, that I may not do this: shall I drink the blood of these men?"\* And it is from the well-spring of Bethlehem that we too thirst to drink; but we must not shrink from the awful draught—the priceless *Blood* of Him that opens it. No, there is only one change more that can be made; the wine must become a living flow from His divine Heart. Only thus shall the second feast surpass the first.

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\* 2 Reg. xxiii. 17.

Thirdly. But it will be said : "in the first miracle the change was visible, was tested by the senses: in the second, as catholics believe it, this evidence is wanting. Here your parallel fails." Quite the contrary. Hereby is shown the superiority of the second miracle. That which is worthy of a miracle to be its type, is proved thereby of a higher nature. If in the Eucharist the transubstantiation were sensible, there would have needed none to precede it at Cana. The latter would have been so far useless. But it is a much greater and higher miracle to have a change made and yet concealed, than to have a visible and patent mutation. The latter could not be an object of faith, and objects of sense belong to the inferior order. The change was once made visibly, that God's power should be manifested, for whenever He should please to make it invisibly. They who gainsay it in the latter case, say to Him: "Let it be as it was at Cana and we will believe Thee: but in our theory they only are blessed who believe because they see."\*

3. The Eucharist, according to Catholic doctrine, perpetuates the presence of our Lord Jesus Christ on earth. He is in it God and Man, in the fulness of His perfections. One remarkable quality of His sacred Person, when He lived a visible man, was, that virtue ever went from Him, and healed all.† This unceasing flow of miraculous energy, this atmosphere of life which invested Him, as with a robe of majesty, the Church verifies, and may be said daily to feel. It is indeed hard to make this understood, for it belongs to the hidden influences of religion, more to be felt than to be expressed. But devout souls will know our meaning: they will have experienced the fervour, the peace, the confidence, the love which the mere presence of the B. Sacrament inspires, in prayer, and meditation; the soothing and tranquilizing influence which it has on their troubled and agitated or anxious minds. What religious community would stand the privation of

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\* Of *Matrimony* we will content ourselves with saying that the Catholic rite is singularly and beautifully interwoven with the Mass or Eucharistic sacrifice, only similarly interrupted for the hallowing of the sacramental oils; as though to copy our Lord's example, of uniting the marriage-feast with the foreshadowing of the Sacrament of the altar.

† Mat. ix. 20; xiv. 36; Mar. iii. 10; v. 30; Lu. viii. 46.

this society? On what would the chaste love of the Spouses of Jesus live, if they had not Him near them, and if after the Martha-like duties of their charity towards men, they could not often take the place of Mary at His feet, and there, in silent contemplation of His mercy and graciousness, and loveliness, repair the slight distractions of the day, and refill their lamps with that love of God, which burns outwardly as charity for man?

That this influence of this adorable mystery is real and not imaginary, is proved by its effects on those who know nothing of it. We could mention several cases of conversion from it: we will content ourselves with two, because we received them both from the mouths of those whom they regard.

The first is that of the late worthy and pious priest, the Rev. Mr. Mason. He had been a Wesleyan preacher for some years, and we heard him declare in a public sermon, to a large congregation, that his conversion was due mainly to this; that whenever he entered a catholic church or chapel, he felt himself awed, hushed to silence, and compelled to kneel in adoration, though no worship was going on; whereas, in his own meeting house, he never experienced any such feelings. Yet he was totally unconscious of the cause; and when he learnt the Catholic belief and practice, in regard to the B. Eucharist, he was so convinced of the adequacy of the cause of his emotions, that he hesitated not to yield to their evidence, and became a Catholic.

The second is that of the Baroness K—, well known to many for her abilities, her piety, and her many good works. She was a German Protestant, strongly imbued with prejudices against the Catholic religion. Coming to Rome, she entered the church of the perpetual adoration, where the B. Sacrament is exposed to worship the whole day. She saw many people, in silent prayer, bowed down, or gazing intently towards the altar. Ignorant of the object which engaged their attention, observing only a multitude of lights upon the altar, but as yet without sense of His presence, "who walketh in the midst of the seven golden candlesticks,"\* she exclaimed: "Good God! surely these people are not adoring those tapers!" But she found herself, in spite of herself, gently forced upon her knees, and compelled to worship—she knew not what.

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\* Apoc. ii. 1.

She returned again and again, marvellously attracted, and ever with the same effect. It was a year before she discovered the truth, and became aware Who was there; and with gushing tears did she deplore to us, that year, as she called it, of grace resisted, and of time lost.

To some, perhaps to many, of our readers, these things will sound foolish and fanatical. But there is a phrase that accounts for this. When Nathanael would not believe that the Messiah could come from Nazareth, "Philip saith to him, *Come and see.*"\* And to this there is a corresponding one in the Old Testament: "Taste and see how sweet is the Lord."† We have known a convert whom God soon transferred from her life of suffering, but of joy, here below, to one of unclouded bliss above, whom conversion at once changed from a pleasure-seeking worldling, into a devout and cheerful servant of God; who when debarred, herself, from approaching to holy communion, would gently draw close to those who came from receiving it, and feel a glow of comfort and a ray of happiness shed into her own heart; the virtue going forth from the sacred Humanity of Jesus, even though lodged in a frail tabernacle of clay.

"Expertus potest credere  
Quid sit Jesus diligere."

But if this experience of the children of the household, be scarcely intelligible to those without, what shall we say of another experience, most awful to think of, that of fear of this latent virtue? It will be hardly credited, but we know it on the best authority, that persons wavering in the Anglican establishment, and leaning strongly towards catholicity, are forbidden, by what they call, their directors, ever to enter into any chapel in which the B. Sacrament is kept! In other words, they fear lest Jesus Christ Himself, in whose presence they profess to believe, should entice them by His sweetness, from a system which has lost Him. They dare not trust one of their flock to *His* guidance!

But, drawing now our remarks to a close, we will observe, that in the catholic Church all is true, real, and consistent. Not a promise of our Lord's there falls through. If he gave the power of miracles to His Apostles,

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\* Jo. ii. 40.

† Ps. xxxiii. 9.

it was coupled with the greater power of working spiritual wonders : and while that first faculty is not withdrawn but reserved for occasions that require it, the other is permanent and of daily use. The catholic mind becomes as familiar with this, as we all do with the wonders of nature. "My Father worketh until now ; and I work,"\* says our divine Redeemer. Their work is one, but its operations are divided. What the Father doth in the order of nature, the Son performs in the order of grace. To us, each is equally real, as equally invisible. The One speaks to the waters of the deep, and they teem with life, and send forth the birds, and the creeping things of the earth ; the other breathes upon them, and they give to grace a new progeny, a regenerated humanity. The One commands the winds, and they pass over the earth, rough or gentle at will, but always cleansing, renewing and recreating ; the Other sends His Spirit upon the soul : and He breathing where and how He willeth, purges, and frees from corruption the spiritual being, and renovates its fading life. The One, with kindly look lights up the heavens with gladness, and feeds the sun's unfailing radiance ; the Other casts his fire upon the earth, and straightways it is enkindled : it sparkles, through the soul, like a vivid electric dart in the youth, as he kneels to receive the Holy Ghost ; it is strongly but steadily lighted in the sacerdotal breast, for a beacon, set on high to guide frail barks to a safe haven, as a furnace in which every passion has to be consumed and every virtue annealed, as a cheering domestic glow, round which the child and the old man will gladly gather for warmth. The One diffuses life through all nature ; sends His seasons and their various energies to earth ; distributes its shower and its dew, vivifies the corrupting grain, and makes it shoot forth bread for man, and sends through the plant its nourishing juices, to come out first fair in blossom, and then salubrious in fruit : the other sows on earth a corn and a wine that gladden the heart of man ; scatters His harvest and His vintage over His Church, and with their unfailing succulency, feeds, sustains, cheers and refreshes the unseen world of the spirit, the immortal part and being of man.

We can see nothing to disbelieve in the one, more than in the other series of marvellous operations,—God is in

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\* Jo. v. 17.

both; the same power, the same wisdom, and the same love. This is the Catholic's simple thought; he believes the order of grace to be as real as that of nature; holds the existence of a spiritual, as much as of a physical, life. He believes that Jesus Christ has promised to be *with* His Church *all days* to the end of the world:\* and he cannot understand this in any other sense, than in one becoming Him, as promising, not a distant superintendence, nor an occasional assistance, but a close and intimate association, and a daily by-standing,† to borrow an expressive word. *Ego operor*, "I work," is His invaluable word; and this accounts for any amount of superhuman agency in the Church. "Peter baptizes," says St. Augustine;—"it is Christ that baptizes: Judas baptizes;—it is Christ that baptizes." And so it is in all other sacramental mysteries. The hand that blesses is Christ's; the hand that consecrates is Christ's; the hand that anoints is Christ's; the hand that absolves is Christ's; the same hand that touched the eyes and they saw, that was laid on the sick and they arose, that took hold of the dead and he lived. This realization in fact of our divine Lord's presence in His Church, as an active, daily, and hourly truth, forms the difference between Catholic and Protestant belief on the Church. Thus protestants can imagine the Church disunited—the note of unity in abeyance, as was lately said—then Christ is not there. For He cannot be disunited. His presence must be conceived to be a mere theoretical one, not an incorporation of Himself with the Church. They can believe her, even in general councils, to err. Then Christ is not really there *with* her: He is not truly in the midst of the more than two or three gathered together in His name. They can believe in no inherent virtue in the B. Eucharist, and repudiate its adoration: then He is not truly there present. In fine, they have no confidence in their own sacerdotal functions: they *dare* not ask for absolution from *any* clergyman, but only from certain initiated men, like those admitted to the mysteries of old: then Christ is not in the ministerial act, but comes into it through the godliness of the minister. But, to the Catholic, this assistance is actual on our Lord's part; it is not a theory, but a fact; and he believes in it as naturally as he does in God's providence, of which it is only a

\* Mat. xxviii. 20.

† *Beistand* Germ. assistance.

specific operation. Hence these wonderful effects of the Church's ministrations cease to be in his eyes miracles; they are only dispensations of grace.

And in truth, if further we consider what is a miracle, we shall find that it bears a twofold aspect,—the Jewish and the Christian. The perversity of the Jews consisted in a call for signs that could be *seen*. "Unless you *see* signs and wonders you believe not,"\* was our Saviour's reproach to them. "Master," they ask, "we wish to *see* a sign from you."† This was the lowest stage of belief: and could only lead to knowledge of that inferior class of wonders, which meets the senses. To this alone protestantism is able to reach; and even in that it stands on so slippery a downward descent, that it easily falls over into the gulf of rationalism and infidelity. It calls ever out for the testimony of its eyes, just like the Jews. But the christian rule of faith is very different. "Faith comes from *hearing*,"‡ and not from seeing; and this is the Catholic evidence. By this alone the true wonders of God can be found; by this only are the real miracles of revelation discovered. The Jewish shepherd looked at the manger in Bethlehem, and contemplated its miracles with awe. The heavens had opened to him, and its radiant host had sung for him a wonderful hymn of jubilee; a brilliant star had glided from the east athwart the firmament, and had drawn after it the kings of earth. But to the christian eye, the real miracle is, that the child in that manger, between an ox and an ass, is "true God of true God, begotten, not made, consubstantial to the Father, by whom all things were made." Before this knowledge, which the sight reveals not, all seen marvels sink into insignificance.

When Jesus was brought before Herod, he wished to *see* Him perform a miracle, § and Jesus refused to gratify his insolent curiosity. What fitting miracle could He have wrought under such circumstances? He might most justly have struck the profligate idiot with blindness, as St. Paul did Elymas: || and it would have been a just punishment, as well as a true sign. Yet a sign was wrought before him, and a wonder that made angels weep with amaze-

\* Jo. iv. 47.

† Mat. xii. 38.

‡ Rom. x. 17.

§ Luc. xxiii. 8.

|| Acts xiii. 8.

ment; and we see it, but that worthless infidel did not. It was the eternal Wisdom clad in a fool's coat, and the Son of God, mocked by a stupid rabble of courtiers,—and no fire came down from heaven on them.

When, finally, the cross is raised on Calvary, and the sun is darkened, and the earth quakes, and the mountains are rent, and the veil of the temple is torn, and the dead arise: here surely are miracles and signs enough to satisfy even a Jew's gaping curiosity. But the christian heeds them not: the greatest of miracles is on that cross. The eclipsing of that Sun of justice;—the quivering of His frame;—the breaking of His heart;—the rending of His humanity;—the death of a God;—absorb all other thoughts and feelings, and make Redemption, the marvel of marvels, alone attended to.

In perfect consistency with this principle, is the Catholic view of the Miracles of the New Testament: they are the noble, and the most perfect counterpart of the unseen wonders of the Christian dispensation.

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ART. III.—1. *First, 2nd, 3rd, 4th, 5th, and 6th Reports from the Select Committee of the House of Lords, appointed to enquire into the operation of the Irish Poor Law, and the expediency of making any amendment in its enactments, and to report thereon to the House. Together with the Minutes of Evidence, and Appendix and Index. Ordered by the House of Commons to be printed, March—July, 1849.*

2.—*First, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th, Reports from the Select Committee on Poor Laws, (Ireland.) Ordered by the House of Commons to be printed, March—June, 1849.*

3.—*Report from the Select Committee, on the Fisheries of Ireland, together with the proceedings of the Committee, Minutes of Evidence and Appendix. Ordered by the House of Commons to be printed, 20 July, 1849.*

4.—*First Report from the Select Committee of the House of Lords, appointed to enquire into the expediency of a Legislative Enactment being introduced, to enable possessors of Entailed Estates,*

to charge such Estates with a sum to be limited, for the purpose of Draining and otherwise permanently improving the same, and to report thereon to the House, together with the Minutes of Evidence. Ordered by the House of Commons to be printed, 6 June, 1849.

- 5.—*First and second Reports from the Select Committee on Receivers, Courts of Chancery and Exchequer, (Ireland,) together with the Minutes of Evidence, Appendix, and Index.* Ordered by the House of Commons to be printed, 29 June, and 11 July, 1849.
- 6.—12 Vict. c. 5. *An Act to authorize an advance of Money for the relief of certain distressed Poor Law Unions in Ireland.*
- 7.—12 Vict. c. 23. *An Act to authorize further advances of Money for the improvement of Landed Property, and the extension and promotion of Drainage and other works of public utility in Ireland.*
- 8.—12 and 13 Vict. c. 59. *An Act to amend an Act of the tenth year of her Majesty, for facilitating the improvement of Landed Property in Ireland.*
- 9.—12 and 13 Vict. c. 62. *An Act to authorize the advance of Money out of the Consolidated Fund, to the Midland Great Western Railway of Ireland Company.*
- 10.—12 and 13 Vict. c. 95. *An Act to amend the law concerning Judgments in Ireland.*
- 11.—12 and 13 Vict. c. 100. *An Act to promote the advance of private Money for Drainage of Lands in Great Britain and Ireland.*
- 12.—12 and 13 Vict. c. 104. *An Act to amend the Acts for the more effectual relief of the Destitute Poor in Ireland.*
- 13.—12 and 13 Vict. c. 105. *An Act to convert the renewable Leasehold tenure of Lands in Ireland, into a tenure in Fee.*
- 14.—12 and 13 Vict. c. 77. *An Act further to facilitate the sale and transfer of Encumbered Estates in Ireland.*
- 15.—12 and 13 Vict. c. 86. *An Act to provide additional funds for loans by the Public Works Loan Commissioners, for building Workhouses in Ireland.*

AT the commencement of last year, we expressed our despair of obtaining any effective measures for the relief of the country from a Parliament of Landlords. Many of our readers probably thought that we were not justified in expressing such unqualified distrust, but the records of the past Session place beyond a doubt the correctness of our anticipations. We have this additional conclusive evidence—the confession of one of those who

are to carry out the panacea of the Session. Dr. Longfield was examined on the 17th May, before the select Committee of the House of Commons, on the Poor Laws. He was then acquainted with the measures which the Government proposed to carry. He had examined the encumbered Estates Bill, and thought it would "be perfectly efficient," (Q. 9310,) and possibly had some notion that he would be one of the Commissioners. Yet notwithstanding all this, to the question, "Do you conceive that any measures which have already been submitted to Parliament, as far as you have seen them, have a tendency to prevent the recurrence of the evils which are now complained of?" his answer was, "None whatever;" and to its repetition in another form, "Can you see a prospect of the country being restored from the condition in which it is now placed by those evils?" his answer again was, "No, no prospect whatever, except that arising from a hope and wish that the country may amend." (Q. 9353, 9355.)

A glance at the titles of the Acts passed should satisfy any reasonable person of the character of the legislation from which, forsooth, we were to expect relief. It is obviously the legislation of a club of landlords. No one should be surprised at that circumstance,—it was impossible that the result could be otherwise. The question of our weal or woe is a landlord and tenant question; and while the landlords retain the solution of it in their own hands exclusively, it cannot be determined in a manner satisfactory to the rest of the community. Who expects from a congress of princes measures for the abolition or restraint of royal prerogatives, and the establishment and promotion of popular rights? Did our negroes ever derive any benefit from the deliberations of a colonial assembly of slave-drivers?

We feel strongly, too, that while the taxpayers of these realms allow the legislature to waste their hard earned money in subsidizing the landlords in their crusade against the people of this island, and in covering their crimes and blunders with a mantle of charity, bedizened with "gifts," "grants," "loans," and "advances," we must continue miserable. The course now pursued towards the landlords and their victims, is precisely analogous with that pursued for the last century and a half, towards the dynasties of the continent. There are the loans of money to maintain their credit and stimulate them to exertion,

and supplies of troops to collect their revenues and protect them from the natural consequences of a prolonged system of intolerable wrong. The people of England now see the folly of that policy with regard to the continent; and until they see the folly of it with regard to this country, we must be the victims of a system of government that sets at defiance the dictates of common sense, and all the elemental recognised principles of political science.

The annual cost of these Subsidies is not undeserving of consideration; we think that it equals the Income tax. We may be wrong, but these are the grounds of our opinion. Let the reader bear in mind, that we do not profess to be profound financiers, or accountants, or even to understand the mysteries of the financial relations of the two islands, or to dare to look farther back than 1817, when the two Exchequers were consolidated. We merely cast up from returns of our annual income and expenditure furnished to Parliament last year on the motion of M. M'Gregor, the following figures.

It appears that from 1817 to 1848, both inclusive, our total income—that is to say, “the total payments into the Exchequer on account of revenue, and on account of repayments of advances for public works, employment of the poor, distress, &c.,” amounted to £129,424,200, “the total annual charge for Ireland,” to £243,258,340, and the “amount provided from the British Exchequer to make good the total annual charge for Ireland,” to £113,834,140, and further, that the sums so advanced from the British Exchequer in the three last years of the account, amounted to £15,843,391. The matter does not rest there—we further learn that “the loans of £8,000,000, (10 Vict. c. 9, 1847,) and £2,000,000, (11 and 12 Vict. c. 125, 1848,) although virtually raised for the service of Ireland, do not appear in the public accounts under that head,” and that “the figures above, under Army ordnance, &c., only show the amount issued out of the Exchequer in Ireland for these services, and not the whole expense under these heads; the larger portion of which was defrayed from the English Exchequer, but the amount cannot be stated, nor can any statement be given of the naval expenditure of Ireland.” The minor portion of the charge for the army alone, is stated, for the 32 years at £34,180,927.

But it will be said, the payments here do not give a fair representation of our payments to the Exchequer, as we

bring tea and other foreign articles from England, on which the duty is paid there, and our quit rents and other land revenues, appear only in the general accounts of the Commissioners of Woods and Forests, and we consequently get no credit for them. In a return made last session, on the motion of Sir Robert Ferguson, of the accounts of our revenue and expenditure for the last three years, there is the following:—

“Abstract of the Net Produce of the Revenue of Ireland, paid into the Exchequer in the Years ended the 5th January, 1847, 1848, and 1849.

	1847.	1848.	1849.
	£.	£.	£.
Customs ... ..	2,258,043	2,009,133	2,069,773
Excise ... ..	1,467,060	1,152,932	1,321,915
Stamps ... ..	573,767	567,996	532,924
Post Office ... ..	29,000	59,000	39,000
Miscellaneous, including Repayment of Advances	364,592	536,783	311,863
£.	4,692,462	4,325,844	4,275,375”

And from a note it appears that the amount received from quit-rents and other sources of Land Revenue in Ireland in the last five years, is as follows:—

		£.	s.	d.
“1844 ending 31 March 1845 ... ..		61,538	7	2
1845                   ”                   1846 ... ..		55,920	6	11
1846                   ”                   1847 ... ..		50,107	2	1
1847                   ”                   1848 ... ..		54,178	6	6
1848                   ”                   1849 .. ...		51,618	18	4”

And the following is a statement showing the annual average quantities of the principal foreign articles retained for home consumption, in each of the years ended the 5th day of January, 1847, 1848, and 1849, respectively; viz.—

Wine of all sorts.	Foreign Spirits of all sorts.	Cotton Wool.	Silk, raw and thrown.	Tobacco.	Tea.
Gallons.	Gallons.	Lbs.	Lbs.	Lbs.	Lbs.
633,945	43,044	604,300	329	5,949,691	6,975,959
512,319	210,205	77,894	3	5,101,139	6,513,853
549,755	209,665	1,038,016	11,621	5,138,314	6,713,272
Coffee.	Timber not sawn or split.	Timber sawn or Split.	Sugar, raw and Foreign refined.	Flax Seed.	
Lbs.	Lbs.	Lbs.	Cwt.	Bushels.	
1,516,330	111,107	116,562	568,767	256,250	
1,739,046	78,827	60,048	597,101	113,011	
1,313,951	92,515	82,109	510,867	184,239	

In addition to the above articles, we retained in the three years collectively, 122 great hundreds of battens and deals, 23 tons of unwrought iron, and 10 pounds of cotton yarn.

No one, with these figures before him, can fancy that we pay, at the very utmost, more than a fourth of our entire revenue in England; and even this, we conceive, is more than counterbalanced by the sums supplied from England, to be spent by the army, ordnance, navy, &c., here, beyond the amount of which returns are supplied, and which must be, at the very least, upwards of a million and a half per annum. We have no doubt whatever, that the extra cost of our management to the people of Great Britain is equal to the Income tax. What we cost them last year we do not yet know; but the chances are, that our "pull at the Exchequer" was not below the average. We might form some estimate of the "advances" made to us from the acts whose titles are at the head of this paper, but we do not think it necessary to go more fully into the subject, as it does not concern us. To this circumstance only would we direct attention—the extreme readiness of a Parliament of landlords and capitalists to subsidize their own class, and the impossibility of extracting from them a penny in furtherance of any scheme to save or elevate any other class. In this respect their deliberations are characterised by a unity of object and uniformity of proceeding, which should satisfy the most fastidious of critics. In this light, that item of our expenditure which appears under the head, "Advances out of the Consolidated fund for public works, employment, distress, &c." deserves special notice. In those 32 years there were granted under this head, £19,307,881, in 1846 and 1847 alone, there were £7,040,547 granted, and of this last sum the repayment of £2,331,077 has been already abandoned pursuant to the 10 & 11 Vict. c. 87, in other words, the landlords have been made a present of that sum. In connection with this item, we may notice the Board of Works. This costs the people of Great Britain £39,562 annually, (that is the grant for this year, besides a grant of £24,232 for works connected with it.) Sir Charles Trevelyan, in his evidence before the Committee on the miscellaneous Estimates, stated that its duties are such as are performed in England and Scotland, by private gentlemen in their respective localities. They most commonly are, deepening the beds of rivers and so draining the adjoining lands, making roads through

mountainous districts, &c., &c. If these operations were undertaken for the public benefit, the course would be first to buy up the lands to be improved by the drainage or the roads, and when improved to sell them off again, so that the taxpayers should not lose by the transaction. But this is not thought of; the landlords have the benefit exclusively of these operations. It is clear, that if we had not a legislature of landlords, we should not be obliged to supply them with civil engineers and labourers to improve their estates. Why not supply them with butlers, valets, and house-keepers? In fact, we believe that the people of England will never understand "the Irish difficulty," till some minister, a little bolder than his predecessors, shall propose to place the landlords, their heirs, and assigns for ever on the Pension List.

At the present moment, when retrenchment is the universal subject of consideration in England, and the public creditor is threatened with a diminution of his income, or something worse, our condition becomes one of very great importance to the tax-payers and fund-holders of that country. Whatever they may, at their leisure, think on the subject, it is one of pressing and immediate importance to us. We are now in such a state that it is the duty of every man, who means to remain two years more in the country without being a landlord, fund-holder, placeman, or pauper, to consider seriously its position and his own. Our condition is the most wretched that any people were ever yet reduced to without the intervention of a war devastating their plains and cities. A third of our population is living on charity: nine-tenths of our country gentlemen are reduced to beggary—our farmers are ruined or gone—entire baronies are depopulated. Some of the richest of our counties are burthened to the extent of nearly one pound per acre for poor-rates, labour-rates, and county-cess, without the remotest prospect of relief for the next ten years at the least; and in general, throughout the country, the charges upon the land are so high, and the prices of agricultural produce so low, and there is such a certainty with the present system of government, that the former will continue high and the latter low, that it is quite idle for any farmer to hope to maintain an independence. The landlords, whose welfare depended on the solvency of their tenants, cannot get their rents, are overwhelmed with rates, and are unable to

meet their engagements to their creditors; and thus, at once, bring down to the common vortex, the Protestant clergy, who relied upon their punctual payment of the tithe rent-charge; the country shop-keepers who gave them credit for the necessaries of life; and those numerous respectable families who lived upon the interest of loans and mortgages, and the various other modifications of annuities payable out of the soil. The stagnation of trade and commerce is so great, that our monetary circulation is reduced to nearly half what it was three years ago.\* Professional men suffer with the rest of the community; lawyers alone seemed to enjoy an immunity from the universal desolation, and, indeed, to profit by it; but means are now provided to level them too. All these are matters which it concerns every man, no matter what his present rank, station, or property may be, to consider gravely. The ruin of all classes has been steadily progressing for the last four years. Every one of the measures successively enacted for staying it, has had unfortunately the contrary effect. And why? We think because the class, in whose hands the power of legislation was vested, legislated with a view to their own interests only.

Let us now proceed to the proof of this position. At the commencement of last Session, the ruin of all classes was notoriously progressing, and various excellent measures were suggested from every quarter of the country. At that time it was known that thousands of farmers, cottiers, and labourers, had, in the preceding winter, died of cold and hunger, and that the same fate awaited many more, unless it could be averted by the measures to be adopted for their relief. It was known, too, that not one landlord had so suffered, and it was not pretended that any were likely to do so. Yet the deliberations of the two houses of Parliament were confined to the condition of the landlords, and the means of improving it, and the witnesses were selected exclusively with reference to that object. The committee of the house of lords were particularly select in the class of witnesses whom they thought it desirable to consult; to wit, the first, the late and the present chief poor-law commissioners—ten poor-law inspectors—two commissioners of the board of works—a boundary com-

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\* See this proved in an excellent article in the September number of the Dublin University Magazine.

missioner—the chairman of the emigration commission—six large landed proprietors, (four being chairmen of unions)—the manager of one of the largest estates in Erris—a land agent—the surveyor—and the assistant barrister of the Co. of Mayo—a count (Strzelecki,) who had been resident only twenty months here, administering relief—a lieutenant-colonel (Archer,) who had been for a short time on a visit to a friend near Galway—Joseph Bewley, Esq., the secretary to the Dublin Relief committee of the Society of Friends, and Mr. John Holden, a guardian of the Belfast Union, who went before them expressly to rebut some misrepresentations by a preceding witness respecting the board of that union. The committee of the house of commons were not quite so exclusive. In addition to the late and present chief poor-law commissioners, four poor-law inspectors—one clerk of a union—two commissioners of the board of works—a boundary commissioner—the assistant barrister of Mayo—nine large landed proprietors—two solicitors and a physician, who were guardians respectively of the Skibbereen, Galway, and South Dublin unions, (certainly models for all creation,) they examined four parish priests and the four gentlemen who have filled the chair of political economy in Trinity College. All these witnesses we have catalogued according to their own descriptions of themselves. We at first, fancying that the inquiry was into the condition of the poor, thought it strange that not one farmer, or person who had avowed opinions in favour of farmers and labourers, was examined, and consequently that it was just as if physicians, at the bed-side of a patient, were to ask every one but himself what had happened to him, how he felt, and what would be likely to agree with him; but on reconsideration we discovered our mistake, and saw that all was right and regular, as the comparison should have been with a consultation amongst the crew of a slaver, pursued by an enemy, at which, of course, the victims in the hold would not be called on to assist. The select committee of the house of commons, “to inquire into the state of the law, as respects the appointment of receivers of the Courts of Chancery, and Equity Exchequer in Ireland, and the effect of the present laws and regulations of the said courts, in the management of estates under their controul,” examined “the late Lord Chancellor of Ireland, Sir Edward Sugden, the present Master of the

Rolls, one of the Masters of the Court of Chancery, the Second Remembrancer of the Court of Exchequer, together with a member of the Irish bar, and an Irish solicitor ;” and their evidence, we are told, “appeared to your committee to be so full and comprehensive, that it would be unprofitable, at this late period of the Session, to prolong the investigation: nor could your committee expect to obtain any additional information from witnesses of higher authority.” It apparently never occurred to the committee, that anything coming from witnesses of lower authority, could be of the slightest value. By looking to the catalogue of the witnesses, the reader may at once determine what were their views of the causes of our distress, and the remedies for it. We never before, in any public investigation, saw such a thorough illustration of the moral of the story of the besieged town, landlords and officials, being unanimous that there was “nothing like” more power and money to themselves. The committee of the house of lords have published a carefully digested index to the evidence taken before them, and under the head “Distress,” (to “its progressive increase,” 21 witnesses are indexed as bearing testimony,) there is the following enumeration of its causes and remedies:

*“Its causes:—*(1) The famine, or potato failure; (2) subdivision and subletting; (3) noncultivation of the land; (4) conacre; (5) the poor-law; (6) size of electoral divisions; (7) excess of population; (8) amount of rates; (9) depreciation of agricultural produce; (10) want of employment and circulation of capital; (11) want of industrious habits on the part of the people; (12) out door relief. *Its Remedies:—*(1) Emigration by government; (2) individualising of responsibility; (3) introduction of capital; (4) a law of settlement; (5) reduction of the size of electoral divisions; (6) creation of a class of labourers; (7) sale of estates for arrears of rates; (8) undertaking of arterial drainages, &c.; (9) granting of greater powers to landlords; (10) power of exchange of estates as in England; (11) fixing of a high maximum; (12) destruction of the dependence upon the potato and improvement in agriculture; (13) annihilation of small holdings; (14) law of relief similar to the English.”

From the views of the witnesses it is easy to divine those of the Committee. The latter are all, with the exception of the Resolutions against a rate in aid, which were adopted at an early stage of the enquiry, set forth in the 6th. Report. They recommend indoor relief, the erection

of additional workhouses, a rearrangement of electoral divisions, and a uniform revaluation; a reduction of the amount of poor rate which a tenant should be allowed to deduct from his rent, and additional powers to the landlord to recover it by distress or ejectment; that the responsibility for arrears of rate, "should be limited to the person or persons originally liable, and to the land upon which such arrears have occurred," that the Quarter-acre clause should be revised and made more effective, that the emigration of the indigent classes should be promoted "on some organized system," and conclude with a flourish about the benevolent contributions of all countries, and the exertions of the Society of Friends, "the assistance wisely given to railroads,"—"the progress of education," and "agricultural instruction,"—and a confession "that much remains to be done," &c., &c.

The Committee of the House of Commons, though not so very exclusive in the class of witnesses whom they selected, were exclusive enough as to the characters of their known opinions, and the subjects of examination. When we recollect what an effort was made by the landlord party to exclude Mr. Poulett Scrope from the Committee, we need not be surprised to find from their reports, that fixity of tenure, location of the poor on the waste lands, the comparative amount of employment afforded by lands in tillage and lands in pasture, the means of creating a numerous and independent yeomanry, seemed to have been forbidden subjects. A witness was allowed to give hearsay evidence of the views of Mill on small farms, and of Blacker's supposed conversion from his errors on that subject. Why not summon these gentlemen to explain their own views? So all the members of the Committee could not have been ignorant of Thornton's suggestions on the subject of peasant properties, small farms and labourers' allotments, or of Dr. Gray's admirable suggestion for imposing different rates on tillage and pasture lands, in consequence of the difference in the amount of employment they respectively afforded. Why were not they examined? There were many others not examined who had acquired some reputation for their views on the subject which the Committee had met to consider, and who would beyond all doubt have been examined by a Committee really bent on ascertaining the truth. We are inclined to think that this Committee would have selected their wit-

nesses as exclusively as the Committee of the House of Lords, from officials and landlords, did they not feel that by examining a few clergymen, they would give an air of candour and impartiality to the enquiry, and believe that political economists were still what they were in the time of Mr. Michael Sadleir, who, describing a "clearance," says, "one such act suffices to make a human monster, a multitude of them a political economist," and that the four from T.C.D. would more than neutralise whatever good sense and charity might fall from the divines. In this latter anticipation they were disappointed. The received cant of political economists was repudiated by these gentlemen, and Mr. Butt even declared his belief, "that to profess to speak as a political economist is generally a mere pretext for perverting common sense." (Q. 10499.) Nothing, however, could prevent the Committee from adopting their foregone conclusions and concurring on all material points (excepting the Rate in Aid question) with the Committee of the House of Lords. The united views of both houses were embodied in the 12 and 13 Vict. c. 104, which contains little more than a formal enactment of most of the resolutions of the Lords' Committee.

It is obvious to any one acquainted with the country, that such paltry alterations of the former law can do no good whatever. The legislature seems to be doggedly persevering in the course which has brought such ruin upon us. Let us take the principal modifications separately; and first, the clauses allowing guardians to spend any amount of rates, or to borrow from the Exchequer Bill Loan Commissioners, (the taxpayers of Great Britain,) any amount not to exceed 11s. 8d. in the pound of the clear yearly value of the property in the district, for the purpose of facilitating the emigration of indigent persons. We are not disposed to discuss the emigration question once a year, but we must observe that the intense selfishness of the landlords blinds them to the change caused by the repeal of the Corn Laws, with regard to the wisdom of emigration so far as they personally are concerned. In order to enable them to understand the question, it is necessary to go to first principles. The political economy of a government of landlords is essentially different from that of all other governments, as its cardinal principle is to have the highest possible rent-roll; whereas, that of other

governments is to have as numerous and independent a population as possible; the greatness of empires being vulgarly, but no doubt erroneously supposed to depend mainly on the numbers of citizens able and willing to defend them. Prior to the repeal of the Corn Laws, that first principle was thus carried into practice. As the owners of the reclaimed arable parts of these islands formed the great majority of our landlord legislators, they had precisely the same interest in preventing the cultivation of the waste lands, as in excluding the produce of other countries. To them it was the same, whether the corn which it was sought to bring into the market in competition with theirs, was the produce of a reclaimed Home, Foreign, or Colonial waste; and for this reason amongst others, the 'wisdom of our ancestors' protected our bogs from the defilement of a spade or shovel, under the pretence of watching them jealously, as fosses round the fortress of our 'Protestant constitution.' And thus the strange circumstance is explained, that though the laws that actually protected them have been repealed;\* yet the legislature never has responded to the public cry for their reclamation. The entire area of the island is 18,885,565 statute acres, † and of these 6,290,000 acres are waste—out of which 3,755,000 acres are acknowledged to be worth the cost of reclamation, and the rest, 2,535,000 are said not to be worth it. ‡ Prior to the repeal of the Corn Laws, the landlords of the reclaimed parts were quite right in not encouraging the reclamation of the wastes, as they would be thereby diminishing the value of their own property by a third. Their great object was to have no more acres come into competition with theirs, and to have no more hands on these acres than would produce the highest rental, and whenever the numbers of their vassals should, by any unforeseen misfortune, increase beyond the summum bonum point, to ship off to some country where their industry would be harmless, the surplus, that is to say, all who would be likely to produce more grain and vegetables than they would consume, and so create a larger supply of these articles in the market. Work as the outcasts might on foreign soils, they

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\* See No. for January last.

† Evidence before the Lords' Committee, Appen. B.

‡ Thornton's Plea for Peasant Proprietors, page 220.

could not interfere with the supply at home, and therefore it was sound policy to remove them; but since the repeal of the Corn Laws it is so no longer. The landlords, however, like hounds on a false scent, still run on with the old cry of emigration. Let them for a moment stop, take breath, and consider the effect of emigration now. Corn is frequently brought to England as ballast from America, and therefore for nothing. An ordinary charge for it is 6d. a bushel. This is less than the cost of conveyance by sea to England, from any of the western ports of this island, or than by land carriage at home for 20 miles. In short, American, and all other foreign produce, may be said to come into competition on equal terms with ours, so far as carriage is concerned. Compare then the effect of labour at home and abroad. In Mill's Political Economy, the question is considered whether it is more profitable for a man having an unlimited supply of land, to scrape the surface of all of it, and so raise a crop off all, or to till a few acres well; and he finds that the former course is deemed the more profitable. It is obvious to any one who has had any experience in agriculture, that one man with a plough and a pair of horses, scraping the surface of the rich virgin moulds of America, the Cape, or Australia, will, in the course of a year, raise fifty times more grain than he could in the worn-out loams, or dry crags, or shaking bogs of this country. And therefore his labour there must supersede the labour of twenty men at the least here; and consequently, each labourer sent out renders necessary the emigration of twenty more. And so the process must go on till it becomes as dear and as difficult to raise a crop there as here. This is what has happened already—and this is what will continue to happen till this country is desolated of farmers and labourers, and the landlords or their creditors, (which is much more likely,) have it all to themselves—and not another rate can be levied for the relief or removal of any body.

The reader will forgive us for adding a few words as to the effect of emigration on the permanent greatness of the realm. The numerous body of yeomen and small farmers, that were the strength, pride, and glory of England, while she was struggling for the sovereignty of France, and while she was distracted with the wars of the Roses, were upon the cessation of foreign and internal danger, exterminated by the landlords, in order to make room for large

farmers, that is, men occupying farms ranging from ninety to a hundred acres; and now the successors of these large farmers, who thus participated in the guilt of destroying so many happy homesteads, are themselves, in turn, looked upon as small squatters, and are being "cleared" to make room for renters of four hundred, five hundred, or a thousand acres; and, in fact, it is said, by gentlemen who have studied the subject deeply, understand it well, and believe the ancient small farm system to have been right, that the hundred acre farmers cannot hold on side by side with their more extensive competitors. The effect of that extermination in England was that at a critical period of her history the presence of a few thousand Dutchmen was not without effect in changing her destinies, and that generally she has since relied, to a great extent, on foreign, Scotch, or Irish troops, to fight her battles. At the close of the last war, such was the effect of the extermination system among the Highlanders, that most of the Highland regiments were obliged to recruit here. The Connaught Rangers, who, during that war, were remarkable for, amongst other peculiarities, such breadth of shoulder, that drawn up on parade they occupied more ground, man for man, than any other regiment in the service, were all Mayo men; and Mayo is now a desolate waste, and is to be a pasture-field. If Harry the Fifth, Dundee, and Picton, were to learn that the troops on whom they relied, could be had no more, as they had been "cleared" to make way for Southdowns and Herefords, what would be their opinion of that policy? Does it ever enter into the imagination of the exterminators of the poor in England, Scotland, and here, and their aiders and abettors, that troops may be again wanted for such a long war as the last, or even to drive a foreign enemy from our shores? and if it do, do they fancy that knife-grinders, pin-pointers, and devils'-dustmen, will answer the purpose? Need we again remind them that the Roman empire was ruined by the fifty years' peace, which enabled and encouraged the landlords to "clear" and "consolidate?" Odd and strange as it may at first sight seem, we think it would be the greatest possible blessing to this empire, if an invading army were to land in England, and hold possession of part of it for a few months, as it would teach landlords and capitalists the value of men, and that droves of bullocks, and heaps of tissue paper, are not the only tests

or safeguards of national greatness. We shall mention one other view of the question. Our national debt, and other public liabilities, are now so great, that with our present numbers, we can scarcely meet them. As our numbers diminish, the burthen on each remaining member of society increases. If by the process of famine and emigration, we should be again reduced to a million, could that million pay their public debts and live?

Next take the subject of the restriction of out-door relief, and extension of workhouse accommodation. The poor-law commissioners also echoing the views of the legislature, look to this as the ground on which they mainly rest their hope of contending successfully with the difficulties before them. (Report 4th July, 1849, paragraph 40.) It is absurd to suppose that any such measure can prevent the spread of pauperism. If there were a doubt as to the reality of destitution, the workhouse test might be necessary; but when there is no doubt, how can it be so? It is this test that has ruined the country. If, instead of driving the entire labouring and cottier population into the workhouse, measures had been taken, during the past four years, to give occasional out door relief to families really in want of it, we should not be in our present frightful condition. The consequence of the system is, that if chance drive a man to ask for relief once, he cannot get it without being a pauper for life. How much better would it have been to encourage that feeling of proud independence which, according to the confession of the commissioners in the above report, made many small farmers and cottiers, in the spring of 1848, rather than part with their land, "expose their families to intense privation, and not unfrequently to fatal consequences," that is to say, in unofficial English, to starve and die. The whole scheme is a bad copy of the worst part of a bad model—the English new poor law. In England that law is not giving satisfaction. The rapid increase of poor-rates is a constant subject of complaint there. Even if it were not, England, as Dr. Longfield has well expressed it, "can bear a greater burden of bad legislation." (Q. 9620.) It is clear that we cannot afford to keep all our paupers in prison. Let those of us who are not now paupers, work as we will, we cannot keep the present number of paupers in idleness, in or out of a workhouse. Take the instance of Clare Island union as a fair specimen of the system throughout the entire country. In

that union, persons receiving relief, were bound to idleness, and actually prohibited from tilling their farms, and the consequence was, that after that, the produce of the whole district, when divided amongst the population, amounted to 3s. 2d. a head.\* To an order of the house of commons, requiring a return "of the number of persons in each county in Ireland, whose tenements are rated to the poor at the annual value of £8," and so on as under, the poor-law commissioners made a return in August, 1848, from which it appears that the tenements so rated were then as follows:

£.	£.	£.	£.
Above 8	... 29,681	Above 18 & not exceed. 20	... 20,081
" 8 & not exceed. 10	... 62,469	" 20	" 25 ... 30,662
" 10	" 12 ... 44,454	" 25	" ... 106,411
" 12	" 15 ... 46,689		
" 15	" 18 ... 33,848	Total	... 374,302

Supposing that famine and emigration have not affected the occupants of the tenements so rated in 1848, and taking them as being beyond the temptation to emigrate, or the reach of pauperism, by any sort of casualty, and as being the persons who are to support their own families, and such other families as may be reduced to pauperism, how can it be possible for them to do so? If they were all Anglo-Saxons of the finest possible conformation, and could work day and night without sleep or rest, they could not do it. The present Commissioner states, that there are 900,200 persons here dependant upon labour, and nearly 4,500,000 dependant on these—and that for the best part of 1846, only an eleventh of the former were actually employed; and in 1847 a seventh.† All the rest were consequently sustained in idleness at the expense of the rate payers. Could folly be greater? It is clear that we must renounce the luxury of keeping our paupers in custody and idleness, and adopt the suggestions of common sense, and common charity. If a man able to work comes and says he cannot get work or food, we should feed him, and then get back the value of the food from him in work; and thus the system would be made self-supporting. Guardians should at once get

\* See Ev. of present Commissioner before select Committee of the House of Com. Q. 1052.

† *Ib.* Q. 1041-2-3.

the fee simple—we would have no renting—of some unprofitable waste in their district—they need nowhere turn on their heels to find it—reclaim and cultivate, and keep it in their hands, supporting the poor out of the produce; or if they should think it more profitable, sell it out, and get another piece, and so have always on hand ground enough to enable the pauper who wanted food, to fulfil the primal condition of his being, and earn it by the sweat of his brow.

The notion of keeping paupers, either idle or at unprofitable labour, arose from one of those absurd crotchets of English political economists, which have caused so much mischief, namely, that a public establishment, such as a workhouse, should not interfere with the ordinary natural order of demand and supply, by employing its inmates in producing what was produced by other labourers who did not seek relief from it, but contributed to its support: in other words, that lest a rate-paying shoemaker, farmer, or other producer, should suffer any loss from the workhouse providing itself by means of the labour of its own inmates, with the articles in which they dealt, all the other ratepayers should support the paupers in idleness. This is the protection theory reduced in application from kingdoms to unions. The right view was, that when the ratepayers of a district formed themselves into a union for the relief of the poor, they should have regarded themselves as a joint-stock company for that purpose, and looked only to their own interests, that is, the interest of the majority, and not suffer themselves to be ruined for the special benefit of the one shoemaker, who could supply brogues, and the one farmer, who could supply lumpers.

These, and the rate in aid—another of those paltry palliatives scarcely deserving of a comment—are the principal measures resulting from the deliberations of the Poor Law Committees of the two houses during the last session. The others are of a merely formal nature. To mark the character of the legislation, we should add, that there are provisions in the above act, c. 104, in favour of landlords and against tenants, repealing those of the original poor law act, as to the amount of rate which a tenant might deduct from his rent, and as to the invalidity of contracts by him to forego the right of deduction. Notwithstanding all the evidence, all the parade of resolutions, and all the legislation, the Poor Law now remains subject

to the objection which the House of Lords' Committee levelled at the rate-in-aid. Of that project they say wisely, "if it tends rather to sustain paupers than to remove the cause of pauperism, experience proves that the demands on such a fund are likely to be progressive," and that "the anticipation of its indefinite expansion cannot fail to aggravate all the existing dangers of Ireland, to render the sale of estates ruinous, the letting of lands difficult, their cultivation uncertain; thus at once preventing the investment of capital in agriculture, diminishing the effective demand for labour, and the production of human food," and "stimulate the increasing emigration of farmers, and of small capitalists, lessening the amount of wages to be paid, and the funds out of which rates can alone be payable, whilst greatly increasing destitution."—3rd Rep. p. 5. Such, we say, is the effect of the whole system; and the country knows it, and feels it; and such, we fear, it will be, while landlords only have a voice in its arrangement.

The one idea of the last session was, the condition of the landlords. To this point all enquiry, to this all legislation, was directed. The reader will not be astonished to find, that the result of all the researches was, that the landlords had brought about their own ruin, by altering, modifying, and abolishing every fundamental law that seemed to clash with their interests, and that the remedy recommended was a return to the principles of earlier legislation. We have been for years telling our readers that the ruin of the kingdom was caused by the landlords overturning, with a view to their own aggrandisement, and the destruction of every body else, all the provisions of the ancient common and statute law of the realm, that protected the rights and interests of the people, and every indubitable principle of public policy and justice, recognised by all other communities, and, in short, making "Maxims Controuled" the appropriate designation of their legislative efforts. We have long felt that our landlord rulers had contrived to distinguish us from every other people, not only by the extent of our misery, but the absurdity and wickedness of our laws, and that the day could not be distant, when these would be studied by jurists with the same interest that charts of shoals, coral reefs, and quicksands are by seamen. The day has arrived sooner than we expected. Before the Poor Law Committee of the

Commons, all (we believe) the gentlemen who had filled the chair of political economy in Trinity College, and who were also barristers, were examined as to the causes of the embarrassed condition of the landlords; and all agreed in attributing it to the statutes which the landlords themselves had made. The greater part of the blame was laid on the statutes allowing entails in their various modifications. "So absurd are these laws," said Dr. Longfield, that "a man possessing 10,000 acres, may be unable to work anything below the soil, or cut a tree, or, in many cases, alter a window in his house lawfully." (Q. 9634.) Next came the acts that made judgments a lien on land from the time of their entry; then the Registration Act of 6 Anne, which enabled landowners to accumulate incumbrance upon incumbrance, without parting with the title deeds; then the acts making judgments assignable at law; then the Penal Laws, which, by preventing Catholics from dealing directly with the land, extended mortgages, judgments, and all manner of ingenious complications; then the act allowing receivers to be appointed on mortgages; then those allowing them to be appointed on judgments; and lastly, the 4 and 5 Vic. c. 105, which allowed all a debtor's real estate to be extended under a writ of *Elegit*, and made registered judgments equivalent to a mortgage. (Q. 9262-68, 9336—9346, 9690-1-2.) The witnesses examined before the Committee on Receivers concurred in these views. No question was asked as to the effect of the statutory changes in the currency, whereby the plutocratic portion of the Legislature cheated the geocratic, by making debts paid in paper, and undertaken to be repaid in paper, repayable in gold; thus at once nearly doubling their value, and diminishing in the same proportion the ability to redeem them.

The Committee on receivers considered very fully "the subject of the abuse of remedies against the debtor's estate." They hear with delight Sir Edward Sugden say, "the truth is, some of the landed proprietors in Ireland require a little protection, they are so careless about their property, and their money,"\* and that a cheap mode of encumbering by means of judgments, "though founded on a sound principle, is open to easy abuse by improvident or embarrassed men."† They hear

\* Q. 433.

† Second Rep. p. v.

the Master of the Rolls, too, say "that men are tempted to be improvident by the facility of giving a cheap security,"\* and denounce as oppressive to debtors applications for receivers by creditors for small amounts. One case in particular the Right Hon. Gentleman brought under the notice of the Committee: a widow had recovered a debt of £5. 8s. against a highly respectable gentleman, the apparent owner of the estate and lands of Carig Castle, in the county of Waterford, where he resided, and she caused the stock on the estate to be seized in execution, but was obliged to restore them by an order from the Court of Queen's Bench, the brother of the debtor claiming them as his own, and swearing that the debtor had no property on the lands of Carig Castle, save the rent reserved out of the same on a lease made to claimant. She could not put him in gaol, the debt being under £10, (had she him in England, and he was only a poor struggling artisan, she could have had him committed to the county gaol, and had his hair cropped, from time to time, till her revenge was slaked, or he got the money, or died, or fled the realm,) and therefore she applied for a receiver over the rent so sworn to. The following morceau of the evidence is worth extraction.

Sir Robert Peel. "1220. Had this widow no other means of recovering her debt, except going through this process?—No other; and therefore I stated that I did not consider this particular case oppressive, though there are a number of cases of debts of small amount in which receivers are applied for, and in which there is nothing to excuse the proceeding.

"1221. Do you mean that it was not oppressive to the widow who did not get her money?—I mean oppressive to the debtor; it is oppressive generally when the debt bears a very small proportion to the costs, to have a receiver applied for.

"1222. The debtor might have paid the money?—Yes."

Bentham has well said in irony, "It is an oppression for a man to reclaim his own money; it is none to keep it from him."† We did not expect to find one of Sir Robert Peel's own judges repeating the proposition in seriousness, in the presence of, and in answer to, the Right Hon. Bart. himself. The Committee too thought it was an oppression, and so it was. "While the money is hoped for, and for a short time after it has been received, he who lends it

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\* Second Rep. p. v.

† Defence of Usury, Lett. x.

is a friend and benefactor ; by the time the money is spent, and the evil hour of reckoning is come, the benefactor is found to have changed his nature, and put on the tyrant and the oppressor.”\* In consequence of this gross instance of oppression, and of another in which a receiver was applied for over a property of £10. a-year, (the other circumstances connected with this case are not anywhere mentioned,) the Committee resolve that “the mischievous facility afforded by the existing law, for appointing a Receiver at the suit of every judgment creditor, and over almost every species of property, and the security for the costs of the appointment, without reference to the satisfaction of the debt, have perverted what was intended to be a cheap and convenient remedy for a right, into a vexatious instrument for accumulating law costs, unproductive to the creditor, injurious to the debtor, and prejudicial to the public,” and that it is “a matter of public policy, that the power of appointing receivers for small demands, or over small properties, should not be suffered to continue,” † adding naively, “The general lien of a judgment hovering over all the property of a debtor, *produces manifest inconvenience, especially when the judgment is likely to remain unsatisfied.*” We should not wonder. But to whom is it inconvenient?

Upon these facts and views, the Legislature, which seems to require half a century at least for the due preparation of “a comprehensive measure” for the protection of tenants, passes off-hand an act for the protection of landlords, the 12 and 13 Vict. c. 95, by which, with regard to all judgments, they repeal the acts of the 9th. and 25th. Geo. 2, which made them assignable at law, and the 5 and 6 W. 4. c. 55, and 3 and 4 Vict. c. 105, which allowed receivers to be at once appointed or extended on judgments being entered up, and they expressly give the landlord debtor a year’s grace ; and with regard to judgments for sums not exceeding £150, (such sums as poor and humble people, not great landlords or merchants, may be expected to deal in,) they repeal every act that stood in their way, from Ed. 1. to Victoria, including the practice under the 13 Ed. 1. c. 18 and c. 45, for 500 years, sections 10 and 12 of the Statute of Frauds, the Receiver sections of the 5 and 6 W. 4. c. 55, and those of the 3 and 4 Vict. c.

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\* Defence of Usury, Let. x.

† Second Report, iv. v.

105, the abolition of arrest on Mesne Process Act, with respect to the effect of an *Elegit*, so as, in short, on such judgments to prevent the appointment or extension of receivers, to prevent the creditor from extending under an *Elegit*, more than half the real estate, and to place executions against the real property on the same footing on which executions against the personal property stand by the Statute of Frauds, that is, that they shall affect such property only as belongs to the debtor, when the writ is delivered to the Sheriff.

We quarrel not with these alterations ; we wish only to point out their source and direction, and to let the public see how little difficulty there is in the way of repealing statutes that are found to produce manifest inconvenience to country gentlemen, who do not wish to pay their debts, or part with their estates. In fact, we hail these provisions with pleasure, as we hail every return to the principles of the common law. They restrict credit, and every thing that does that is a benefit to the humble honest man, who pays in hard cash for whatever he wants, and who too often has the prices of commodities raised to an unnatural excess against him by the competition of more pretentious folks, who pay only in promises, and who consequently can and must bid higher. It is therefore a retrograde movement in the right direction, but it will not effect the object of its framers. Instead of protecting the landlords, it will hasten their ruin. So far as it prevents them from giving real security for any debt under £150, it deprives them of the means of getting anything on credit under that amount. How are they now to get credit from those from whom they most want it, the dealers in the ordinary necessities of life, bakers, butchers, grocers, drapers, &c.?

This compulsory return to common sense reminds us further of the remarkable coincidence between the views of the ancient professors of the common law, and those of our modern professors of political economy. These think, that the "great principle is, that the owner of a real estate should exercise the largest possible power over it while he lives to enjoy it."\* This was actually the condition of all estates of inheritance prior to "*the Statute of Great Men*," as the Statute De Donis, 13 Ed. 1. c. 1, has been

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\* See Dr. Longfield's evidence, Q. 9436.

termed,\* which was passed, as Coke tells us, in order “to preserve the inheritance in the blood of them to whom the gift was made, notwithstanding any attainder for felony or treason.”† However much the peculiar circumstances of the period in which it was passed might excuse its enactment, it was denounced so early as the reign of Edward III., by a grave Chief Justice of the Common Pleas as, “shaking a main pillar of the common law that made all estates of inheritance fee simple, and producing mischiefs such and so many as no wisdom could foresee.”‡ Coke repeatedly denounces it, citing it as an illustration of the danger of removing “an ancient pillar of the common law.” “The wisdom of the common law,” he says, “was, that all estates of inheritance should be fee simple, so as one man might safely alien, demise, and contract, to and with another; but the Statute of Westminster, 2. cap. 1, created an estate tail, and made a perpetuity by act of Parliament, restraining tenant in tail from aliening or demising, but only for the life of the tenant in tail, which in process of time brought in such troubles and inconveniences, that after two hundred years necessity found out a way by law for tenant in tail to alien.”§ Amongst the inconveniences arising from it, he mentions: “purchasers defrauded, leases evicted, other estates and grants made upon just and good consideration avoided, creditors cheated of their debts, offenders emboldened to commit capital offences.”|| This and other novel restraints on alienation, he denounces as “against trade and traffic, and bargaining and contracting between man and man,”—and a fundamental maxim of the common law which he quotes as thus variously expressed: “*iniquum est ingenuis hominibus non esse liberam rerum suarum alienationem*, and *Rerum Suarum quilibet est moderator et arbiter*; and again, *Regulariter non valet pactum de re mea non alienanda*.”¶ The happy condition of all parties before this innovation, he thus alludes to:—“When all estates were fee simple, then were purchasers sure of their purchases, farmers of their leases, creditors of their debts,” &c., “and what contentions and mischiefs have

\* See Barrington on the Statutes, 83. † Co. Litt. s. 13. and 392, b.

‡ Pref. 9 Rep. xiii.

§ Pref. 3 Rep. xvii.

|| Pref. 4 Rep. vi.

¶ Co. Litt. 223. a.

crept into the quiet of the law by these fettered inheritances, daily experience teacheth us.”\* The evil effects of this statute, were described in the last century by Barrington, nearly in the same language as they are now by our professors of political economy. After quoting the detail given by Godefoy of the inconveniences produced in France by a somewhat similar innovation, upon a similar fundamental principle of the Civil Law, and observing that it was probably these inconveniences which led the French nobility, in 1560, “to oppose substitutions beyond three lives,” a sort of Thellusson act,† and citing Chaucer’s character of the man of Law: “all was fee simple to him in effect,” he points out as amongst the evils arising from this statute, “the intricacy and perplexities of the law,” “the stagnation of landed property,” “the perpetual disagreements between the father and the son,” the “most unnatural treatment of younger children,” which “seems to approach nearly to the barbarity” practised among the Greeks, Romans, and Chinese, of exposing them; and adds, that he had never heard but one objection to its repeal, namely, “that certain officers and patentees should lose the fees which they are entitled to upon common recoveries.”‡ Parliaments of landlords, however, thought their own interests required them to maintain the struggle against common sense and first principles, and they have maintained it till even their own advisers—their legists and economists, tell them it is impossible to maintain it longer; and thus is another illustration afforded of the correctness of Lord Coke’s observation: “Out of all these books and reports of the common law, I have observed that albeit sometimes by acts of Parliament, and sometimes by invention and wit of man, some points of the ancient common law have been altered, or diverted from its due course; yet in revolution of time, the same (as a most safe and faithful supporter of the commonwealth) have been, with great applause, for avoiding of many inconveniences, restored again.”§

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\* Co. Litt. 19. b.

† See 39 & 40 Geo. 3. c. 98, & Thelluson v. Woodward, 4 Ves. 227, and 11 Ves. 112.

‡ On the Statutes, p. 84.

§ Pref. 3 Rep. xvi.

Incidentally to the inquiry before the committee on receivers, respecting the abuse of remedies against the property of landowners, some inquiry arose as to the effect of the system on the tenants and the community. It appears that under the Equity Courts, there are about 1,100,000 of us, and of the entire rental which we pay, and which was estimated, according to the old valuation, at £20,000,000, and according to the poor-law valuation of 1835 at only £13,000,000, ten thereof being agricultural, there are at least £2,000,000 under the courts; and such is the rapidity with which properties are coming in, that the number has been trebled within three years; and none go out except when minors come of age.\* And now for the system of management. The letting is by auction, at Dublin, (where it is frequently postponed,) to the highest bidder, for seven years pending the suit, and therefore liable to be suddenly determined with the suit. When the auction is over, the highest bidder has to submit to various charges, well designated by Sir James Graham as "a tax on the sterility of the soil," (Ques. 163,) and is then "compelled to pay close up by a receiver, who receives a per centage upon the collection of the rent, and upon prompt payment," (Q. 87.) and who has no "inducement whatever to look to the estate with a view to improve it," and whose only "object is to collect as much and as quickly as possible, and to account as slowly as possible." (Q. 644.) "There is nothing more common now," says the Second Remembrancer of the Court of Exchequer, "than for the Receiver the moment his accounts are passed to rush to the tenantry, and take every possible means to collect the rent, in order to use the rent till the thirteen months, or a longer period, if he is not called upon to account, has elapsed; so that, in that way, the form of accounting acts to harass the tenantry." (Q. 1815.) "He always appears to the tenantry in the light of a person demanding money? Yes, he is a receiver, in the strictest sense of the word." (Q. 1416.) "I do not know," says that gentleman, "any class of individuals more to be pitied than the tenantry under the courts." (Q. 1382.) But we may, in passing, observe, that bad as their condition is, such is the condition of tenants not under the courts, that, according to one of the

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\* See evidence of Master Brooke, Mr. Hamilton, Mr. Hickey, and Mr. McCay, and especially Ques. 5, 917, 1274, 1284, 1533.

witnesses, Mr. Roe of Tipperary, was murdered, in order that his tenantry might take refuge in the courts during the minority of his children. (Q. 930.) The effect of the system on the tenant, who suffers first and most, may be judged of by its effect on the landlord, who suffers last and least. The committee report that "under the present system it seems to be generally assumed, that the appointment of a receiver seals the fate of the debtor and his property." The Master of the Rolls says: "It is notorious that property under the court, on an average, does not yield more than two-thirds, frequently one-half, of what it paid when in the owner's hands." "When you see a property, houses or land, neglected, desolate, and in ruins, if you are told that that property is in the hands of the Court of Chancery, no further inquiry for the cause of such results is deemed necessary."\* The committee themselves tell us that the prominent evils of the system are so generally admitted, "that the witnesses are unanimous in its condemnation," and that it is "ruinous to private rights, and discreditable to the administration of justice," and is "attended with equal detriment to the agriculture of the country, and the condition of the tenantry." The effect on the landlords, and the tenantry being thus satisfactorily established, we next inquire, what is its effect on the country generally? "The evils," said Sir Edward Sugden, "are so great, that no country can prosper under them. I cannot conceive any greater evils." (Q. 457.) The Master of the Rolls is asked whether he concurred in that opinion.

"Sir Edward Sugden said it was impossible for any country to prosper with any system existing such as the present system in Ireland, with so much property under the management of the Court; is that your opinion?" and he replied, "I entertain the strongest opinion that it is one of the greatest calamities of Ireland to have such a state of things existing." (Q. 1246)

Add to all this, that against the oppressions of receivers, the tenantry have practically no redress. The Second Remembrancer, Mr. Hamilton, proves this:

"1461. You have stated a variety of cases of oppression upon the tenantry; if the tenants consider themselves aggrieved or oppressed, what mode have they of obtaining relief or redress?—They must apply to the Court.

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\* Appendix, No. 1.

"1462. At whose expense?—At their own expense.

"1463. Have you many such applications?—I cannot say that they are very numerous, because the expense is an absolute bar to it.

"1464. You think that the expense is such as to prevent a man, however aggrieved, from applying to the Court?—Clearly, when he is a poor man."

Can the reader, who thus learns from the best possible authority, that oppressed tenants have no redress for wrong except by an application to a court of equity, wonder at that spirit of violence and outrage which characterise so many of them, that "*animorum habitus ut pessimum facinus auderent pauci, vellent plures, omnes patere-*rentur?"

What are the remedies recommended by the Committee for the tenant victims of this system?—Mind, those remedies are still only recommendations, while the remedies suggested for the condition of the landlords are already law.—They are, that the courts should be empowered to grant leases for fourteen years, and to allow "a moderate outlay for repairs," and an abatement of rent "according to a responsible discretion:"—that attorneys should not be appointed receivers;—that the costs of leases should be diminished;—that the present mode of letting by auction should be discontinued;—that covenants for good cultivation and against subdivision should be introduced into leases;—and that the Courts "should be aided by whatever legislation is proper to enable them to arrange and execute such a code of rules as would be likely to encourage (if not secure) the selection of a competent person as receiver, wherever the appointment must be made." The committee felt that these paltry alterations were no adequate remedy, and therefore they add:

"Although your Committee have felt it to be their duty to suggest the foregoing amendments in the existing system of management of estates under the Courts of Equity, they do not express any opinion whether the evils now so justly complained of, will be sufficiently remedied by any such alterations. Nor are they to be understood as expressing their opinion that the substitution of a totally new system is not demanded by the exigencies of the case. The late period of the session at which your committee was appointed has prevented them from taking evidence sufficient to enable them to decide on the merits of the plans which have been submitted for consideration. In the appendix will be found the draft of a bill prepared under the sanction of the Lord Chancellor of Ireland,

proposing an official plan of receiverships; another plan has been presented by Mr. Hamilton, in his private capacity; and a third, prepared by Mr. McCay, is also to be found in the appendix, and referred to in the evidence."

The "totally new system" thus hinted at is the appointment of a government *Board or Commission of Receivers*, with almost absolute power over the estates and the tenantry, sitting in Dublin and assisted by district inspectors, local agents, &c. &c., at the cost of about £75,000 a-year (Q. 1626-36), which would be a great saving upon the present cost of management, which is computed at £200,000 a-year, (Q. 1538). All the witnesses, with the exception of Sir Edward Sugden, were in favour of some such plan, and indeed, it was only by a majority of 5 to 3, that the Committee did not embody in their report Mr. McCay's plan as the panacea. Let the reader, who does not expect a place under the new regime, conceive such a thing as a government Board (Board of Control was the title in one of the plans) for the management of encumbered estates. We remember to have seen in the newspapers a letter from the Duke of Wellington to a tradesman, who had requested him to make some member of his family pay his debts, in nearly these words: "F.M. the Duke of Wellington informs Mr. Thompson, that he does not collect tradesmen's debts." Is the government to turn farmer, bailiff, receiver, and steward, as well as civil engineer to the landlords? What next? Will it undertake to suckle their babies, prepare their meals, arrange their clothes, comb their heads, wash their faces, and if not, why not?

The first objection to such a proposition is, that it is opposed to the maxim, that every man should mind his own business. Its absurdity strikes us as so outrageous, that we cannot understand how it could be entertained seriously by any rational animals, except a club of landlords and placemen. Yet it will combine the more homogeneously with the rest of the system. Observe, the only hope of the Committee for improving our condition is founded on the chance of selecting good receivers, inspectors, and agents, to guide and drive us. The idea of holding out a motive for action to us, by giving a permanent interest in the soil, never occurred to them. Even the moral of the fable of the donkey race is unsuited to us. We are below that class of animal. Our organization is

not so perfect. We are never to be led by motives, but to be always driven by the whip.

Can there be a doubt that fixity of tenure, as we proposed it, would be as unobjectionable, so far as what are called the rights of property are concerned, and immeasurably better for the landlord? We made that proposition, in a spirit of fairness and justice, and without the remotest wish to deprive the landlords of anything to which they are justly entitled. We would not trick the meanest thing that breathes, and thinks itself a landlord, of a farthing. All that the people want is such a permanent interest in the soil, that they may know when working morning, noon, and night, they are working for themselves. We can conceive no proposition fairer than a corn rent on the principle of the tithe commutation act, to be assessed by a jury on the present value of the land; and if impartial juries could not be had here, we should bring them from England, believing that a few thousand pounds would be far more wisely spent on them, than on commissions for the sale or the management of encumbered estates. Let it not be forgotten, that the present annual cost of managing such estates is £200,000, and the proposed cost about £75,000, and the cost of the commission for the sale of them £10,000, and that if the people had fixity of tenure, all these costs would be saved. We will not however press this subject further now, but proceed to point out the sources of the present evils, and a simple suitable, and as we believe, unobjectionable remedy.

Sir E. Sugden thinks that

“Estates ought not to remain in the Court longer than is absolutely necessary. The great thing is, as quickly as possible to ascertain who is the owner, and give him the care of his own property.”—(Q. 602.) “The Court of Chancery is not the place, and never can be made the place, for the management of the property of the country.”—(Q. 467.) “On no encumbered estate which does not, in fact, properly belong to anybody, can permanent improvement be made: it is not in the nature of things.”—(Q. 470.) “When an estate is in Chancery it is impossible to manage it in a way beneficial to the community at large, consistently with the rights of parties; where there is a conflict the Court ought not to continue to have the management of the property longer than is absolutely necessary; the great point is to get the parties paid off as quickly as possible by the sale of the estate.”—(Q. 567.)

Supposing these views to be, as we believe them, the true

ones, let us see how the landlords, by departing from them, brought about the present state of confusion. Take the question of mortgages first. A mortgage is a mode of conveyance, whereby A. B., in consideration of the receipt of a sum of money from C. D., conveys all his estate to him for years, or for ever, in the most absolute and unqualified manner that legal phraseology allows, subject to a proviso for redemption upon repayment of the principal and interest by a day named. In early times, if the money were not repaid by that day, the estate became vested absolutely in the mortgagee; and this continued the practice till the seventeenth century, when the Court of Chancery, under pretence of equity, interfered, and allowed the mortgagor to redeem almost at any time on repaying the principal, interest, and costs; and drove the mortgagee into a suit in equity, in order to get that benefit from his contract which he had in earlier times enjoyed, as the simple and natural consequence of the execution of the instrument, without delay, litigation, or expense. And all this upsetting of contracts in favour of landlords was perpetrated by judges, who, as the cant phrase is, were reducing equity and good conscience to a science, and would not grant the slightest relief to an unfortunate tenant who should have happened to bind himself to the payment of a penal rent of £50 an acre for ever, for every acre which he should once neglect to sow with red clover seeds, after a certain course of husbandry.\* However bad and unjustifiable this interference with mortgage contracts was in England, it became worse here; for here the mortgagee could, under no circumstances, get the benefit of his contract; as the court, in order to protect the landowner, would not decree a simple foreclosure, but a sale, at which the mortgagee could not even be a bidder, leaving him to get his money, or some part thereof, out of the proceeds, it apparently never having occurred to the superhuman Anglo-Saxon intellects who presided over that incomparable tribunal, that the land might be well worth the sum lent on it, without being worth, also, the cost of a suit and sale in chancery. This, too, was designed for the benefit of the landlords; but it has been

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\* See a recent instance of this in England, *Bowers v. Nixon*, 13 Jur. 334.

the main source of completely effectuating their ruin, if they once happen to get into equity. The result is thus described by Sir Edward Sugden:

"I think there is one practice in Ireland that leads to great expense, and to estates remaining for a long period under the care of the Court, and that might probably be corrected. An Incumbrancer in this country, a mortgagee or a creditor, files a bill for what is called redemption or foreclosure, that is, to compel the debtor to redeem, or if he will not redeem, to give up the property, and the Court makes a decree accordingly, and the claim is paid off to the incumbrancer, or he becomes the owner of the estate, and he can sell it to whom he pleases without any difficulty. In Ireland matters assume a different form, for in such a case there is not only a decree for the redemption of the property, but it is followed up by a decree for sale, and the consequence of that, which at first sight might not appear to be very important, is this, as in Ireland every single person who would be a necessary party to the conveyance is a party to the suit, it is inevitable that there should be a great many parties to every suit of an incumbrancer, and that leads not only to very great expense, but to very great delay; the estate may be half eaten up with costs."—(Q. 941.)

As an instance of the enormous costs caused by this practice, in the first preliminary to an equity suit, namely, ascertaining the proper parties to be made defendants, Sir Edward mentions the case of an English gentleman, who, as administrator to a lady that was entitled to a rent-charge upon several estates here, came over to recover it: "there were only three years' arrears of rent-charge to collect, and the charge for searches preparatory to filing the bill in order to ascertain the proper parties to the suit was £720." (Q. 448.) If such be the effect of this particular rule in the first step to a suit, what must be its effect upon the suit itself? The consequence of it is, that the plaintiff "must bring before the Court, in one way or other, every party having an interest in the estate," (Q. 10251,) and so numerous are these parties, that Dr. Longfield says, they frequently amount to 50 or 60; the Master of the Rolls says, he in one case, which came before himself, counted 160 defendants, 70 of whom only were required by the new rules to put in answers; and Mr. Butt has seen since those rules 150 answering defendants. (Q. 10258.)

"There is," says the Master of the Rolls, "another inevitable consequence, that from the number of parties the suit will abate several times, for you cannot possibly keep seventy people alive; and

children are born who are obliged to be brought before the Court, and parties become bankrupt and insolvent, and you are obliged to bring the assignees into the suit, and you have supplemental bills and bills of revivor without number, for you cannot bring a cause to a hearing till you have it in a perfect state, and nobody can calculate when it will be in a perfect state; but supposing that it has gone through all these proceedings of abatement and bills of revivor, it comes at last for decision before the Lord Chancellor.”—(Q. 1067-9.)

The further results of it the Right Hon. Gentleman thus details:—

“1070. When the plaintiff's counsel appears upon the hearing before the Lord Chancellor, he has the original bill briefed to him, and he has every supplemental bill and bill of revivor briefed to him; if there were 70 answering defendants you would have 70 answers, and the brief would be so large that it would be very difficult for any one to lift it. The case is opened by the leading counsel for the plaintiff; it does not take him 10 minutes or a quarter of an hour; the counsel for every defendant starts up from every part of the court, and says, ‘My Lord, I open the answer of so and so,’ and that is all he says; he has briefed to him his own answer and the bill, and the whole terminates in what is termed a decree to account. A stronger abuse than that scarcely ever occurred in any country; because you have all the enormous costs incurred for that hearing without the slightest benefit to any human being, and you have the unfortunate owner, if he was not ruined before, sure to be ruined by the enormous expense.

“1071. Then the inference we may draw from your evidence is, that an estate may go tolerably well into Chancery, but it is sure to come out worse than it went in?—Yes; the owner might have a surplus before he went into the Court of Chancery, but by the present system it is altogether swallowed up.

“1072. Sir *J. Graham*.] Sir Edward Sugden described the proceeding as ‘a bombardment of the Chancellor?’—I saw the working of the system when I was at the Bar; I have not seen it since, as the decree to account is made by the Lord Chancellor, but from what I then saw of it, I should say that Sir Edward Sugden's description of it was not an exaggeration.

“1080. I have spoken merely of the first hearing, at which every counsel appears simply to open the answer.

“1081. To bombard the Court?—Yes. As soon as the Master has made his report, the case comes back to the Lord Chancellor to be heard upon the report. In the first place, by having an enormous number of defendants, you have the cause continually abated and affected by deaths, bankruptcies, insolvencies, and marriages; and all this may happen before you get the Master's report; but

when you have the Master's report, the cause is set down for further directions, and every one of the counsel re-appears who had opened the answer, and asks for their costs; they do what is called pray their costs; and this bombardment of the Court takes place again.

"1082. What is called a bombardment of the Court is undermining and blowing up the estate?—Exactly; it is most destructive of the estate.

"1083. It is not the Court, but it is the estate which pays all the expense?—Yes it is the estate which pays all the expense."

These, and all the other horrors of a chancery suit, are experienced in the case of every mortgage, "in which there is no ground for litigation whatever," "the existence of which, and the sum due upon it, are not matter of doubt at all," in which "the evidence in the cause is merely to prove a deed which no one doubts, the hearing, costing frequently £400, does not occupy one minute, and the decree is a matter of form."\* (Q. 9290.) It is after the final decree for sale, which is also a matter of form, and equally costly, that "the real work begins," (Q. 9291,) and that real work is the litigation about the title. The mortgagee, before he lent his money, saw the title, and was content with it, and is willing to take to it, with all its defects; but the Court of Chancery will not let him, but compels him to sell it, prove it a good one, and fight out the point with the purchaser; and this new litigation is frequently as costly and tedious as the suit for the sale, and occupies, on the average, according to Dr. Longfield, about three years, (Q. 9351.) How unexceptionable must a title be to pass through this ordeal, when even a member of the house of lords, in his anxiety to get out of a purchase of land in Ulster, made before the recent depreciation, relied, in last Trinity term, on objections to covenants in the original grant respecting muskets, pikes, English tenants, and "mere Irish?"† Clonnina, the estate of the late Col. McMahon, who died in 1815, leaving a few debts and family charges, "comparatively small in amount," was placed, in 1813, under a receiver to raise these charges, "was sold under a decree of the court, in 1838 or 1839, after most tedious proceedings and great costs;" and the purchaser, after five years' litigation, having been freed from the contract, on account of a

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\* See the evidence of Dr. Longfield and Mr. Butt generally on this subject.

† Evidence of the Master of the Rolls, Q. 1049.

technical defect in the title, was again sold in 1843, "under an amended decree to obviate this defect." Another party being "led to believe, from the previous proceedings, that no delay or difficulty could arise with regard to the title, and that from the previous investigation and amended decree, *he* should, in a short time, be put into possession," became the purchaser, and deposited the purchase money; but so far from getting possession was he, that he has not got it yet, and does not expect it for at least two years more: he was five years in litigation about the title; and, finally, had a decision against him, binding him to the contract, against which he was advised to appeal to the house of lords, but was "deterred by the fearful costs already incurred: in the meantime, he received neither rent nor interest, the property had been squatted on by refugees from neighbouring "clearances," the Colonel's youngest son and widow had died, the latter "of a broken heart, and without the common necessaries of life:" "on her death fresh proceedings had to be taken, new bills filed, and new decrees pronounced;" and it is now necessary to look for her heir in America.\*

However, this was not enough for the landlords; and in order that mortgagees might not be prompted to press for a sale, an act was passed, the 11 and 12 G. iii. c. 10, which empowered the Courts of Equity, without the cost and formality of a bill, on a short affidavit and petition, alleging that a year and a half's interest was in arrear, to appoint a receiver over so much of the rents of the mortgaged premises, as should be sufficient to pay the arrears, and also the accruing interest from time to time, until the whole should be discharged, together with fees, costs, &c., &c. This was the origin of the receiver system, under which, the Master of the Rolls tells us, "a clever solicitor and a facile receiver can easily manage that the produce of the estate can be expended in the costs of its management;"† and under which, consequently, if once an estate is put into chancery, it must for ever remain there. As if, however, it did not thus do mischief enough, it was extended, in 1835 and 1840, to judgments over freehold and

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\* See evidence of J. V. Stewart, Esq. Q. 5388.

† Appendix, No. 1.

over chattel interests, which last could have been sold at common law by a writ of *fieri facias*; and thus, debtors' real estates are now never sold, but are kept always in chancery.

The reader will best understand the effect of all these arrangements, by being informed of the state of the law before their introduction.

At the common law, a creditor who recovered judgment could not touch the debtor's freehold estate, (except, if it may be called an exception, in the case of an owner of a fee simple estate, who gave a bond, binding his heirs in whose hands the estate was liable as assets,) and was limited to redress, by a writ of *fieri facias de bonis et catallis*, under which his goods and chattels could be seized and sold, and a writ of *levari facias de terris et catallis*, by which the annual profits of his lands as they arose, as corn or grass growing thereon, and rents payable thereout, were made available for liquidation of the demand.\* Under the former writ, however, an estate for any term of years—even 10,000—might be sold as goods and chattels, such an estate being considered a chattel interest. So the law stood till 1283, when the Statute of Acton Burnel was passed, by which, and the subsequent extension and amendment of it in 1285, called the Statute of Merchants, it was provided for the encouragement of foreign merchants, that if any merchant acknowledged a debt in any of the forms therein prescribed, and failed to pay at the day appointed, execution should at once issue against his goods chattels and person; and if he did not sell off his real property within three months after being arrested, and pay the debt, he should be detained in custody, and all his lands extended till it was paid off.† This sweeping innovation applied only to cases of debts acknowledged by persons who were or who chose to confess themselves merchants. In the same parliament, also, the freehold estate of ordinary debtors was made liable to their judgment debts by the 13 Ed. i. c. 18, which enacted as follows:

“When debt is recovered, or knowledged in the King's Court, or damages awarded, it shall be from henceforth in the election of

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\* See Bac. Ab. tit. Execution A. & C.

† See 13 E. 1. stat 3. c. 1. and Bac. Ab. tit. Execution.

him that sueth for such debt or damages, to have a writ of *fieri facias* unto the sheriff, for to levy the debt of the *lands and goods*, or that the sheriff shall deliver to him all the chattels of the debtor, (saving only his oxen and beasts of his plough,) and one half of his land, until the debt be levied upon a reasonable price or extent, and if he be put out of that tenement he shall recover by a writ of *novel disseisin*, and after, by a writ of *redisseisin* if need be."

This statute originally offered a most effective remedy against the property of landowning debtors; but by degrees, those who were interested in the multiplication of suits, and especially in chancery, contrived to render it as bad as the remedy by mortgage. The reader may observe that it altered the writ of *fieri facias* from *de bonis et catallis*, to *de terris et catallis*, thus enabling a sheriff to sell freehold estates as he had been before enabled to sell chattel interests, and all manner of goods and chattels;—and all the early collections of writs show that the practice of the courts was in accordance with the letter and spirit of the law. In *Rastell's Entries*, published in 1574, the only form of *fi fa* given is *de terris et catallis*. In the *Registrum Brevium*, the authorised collection of writs, published in 1634, the first form given, and which is marked in the margin as being framed under "W. 2, c. 18," is *de terris et catallis*; and all the forms, except three against clergymen which could be of course only for *bona ecclesiastica*, include *de terris*; and, as if to guard against future cavil, one is, *de terris bonis et catallis*, and another, "*de bonis et catallis terris et tenementis*."—(See 65, b.) So, in the "*Brevia Judicialia*, or an exact collection of approved forms of judicial writs," published in 1662, all the forms, except those against clergymen and executors, are *de terris et catallis*. So in the *Officina Brevium*, published in 1679, the forms are both ways, at common law and under the statute. Even so late as the reign of William and Mary, it was the practice to sell freehold estates on writs of *fi fa*;<sup>\*</sup> but soon afterwards it ceased altogether, and since then the Statutory writ has fallen into desuetude, and been superseded by the common law writ; but it appears by the latest book on English practice to be still a moot question whether a freehold estate may not be taken and sold in execution. †

\* See *Johnson v Streete*, Comberb. 290.

† See *Chitty's Archbold's Practice*, vol. i. p. 578.

One of the great advantages of sales under a writ of *fi fa* was, that the purchaser acquired an absolute title to the interest of the defendant in the premises, whatever that was, so that he could not be ousted by any one claiming under the defendant, and even if the defendant succeeded in reversing the judgment, he could only recover the proceeds of the sale from the sheriff or plaintiff,—but not the interest in the premises from the vendee.\*

So, too, the other part of the statute, as to the remedy of the creditor by taking half the real estate, was neutralised by the Courts. Originally it was a very good, cheap, and intelligible process. The sheriff summoned a jury who valued the land, and determined accordingly the number of years for which the creditor should hold it in satisfaction of the debt, and gave him immediate possession. Under this both debtor and creditor at once knew their rights without further litigation, and it became the interest of the Elegit creditor to cultivate the land to the best advantage. But unfortunately, in the course of the seventeenth century, the Court of Chancery, under pretence of equity, made the creditor account, and so threw every thing into confusion. The courts of law, also, in that century, started another abuse, which doubled the amount of litigation necessary to give the creditor the effect of his judgment. In the reign of William III., the English Court of King's Bench decided that a sheriff could not give a vendee under a writ of *fi fa* actual possession of the premises purchased, but merely legal possession, and that it was necessary for the vendee to bring an action of ejectment in order to get the actual possession. † The same crotchet was extended to a writ of elegit. So that it was thenceforth (in direct opposition to the old practice) necessary for the Elegit creditor to bring an action of ejectment in order to give full effect to his first writ. This notion was not disputed with regard to a writ of *fi fa*, till 1789, when it was expressly overruled;\* and, with regard to a writ of Elegit, not till the present century, when it was first overruled so far as regarded lands in the actual possession of the defendant, § and

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\* See Bac. Ab. Execution. (Q. 2.)

† R. v. Deane and others. 2 Showers Rep. 88.

‡ Taylor v. Cole. 3 T. R. 295.

§ Rogers v. Pitchers. 6 Taunt, 207.

then, in 1848, so far as regarded lands in the possession of his tenants, the court on this last occasion treating the point as clear, unarguable, and beyond all controversy, on the authority of cases in the Year Books of the reign of Henry VI.—just two centuries prior in date to this costly, groundless, and unmeaning innovation.\*

There was another abuse of this remedy, which has been modified by recent legislation. Soon after the passing of the Statute of Edward I. the construction prevailed, that if a creditor extended one-half of a debtor's estate, and another writ issued before the first was satisfied, the second creditor extended the remaining half.† But afterwards the notion grew up, that the second creditor should extend only the moiety of that moiety, the third creditor, the moiety of the remaining moiety, and so on by an infinitesimal system of subdivision, till the remainder became an evanescent quantity. Let the reader just conceive the receiver system engrafted on this, and he will have some notion of the swarms of official harpies which settled and fattened on an estate once caught in equity meshes. This abuse was remedied in 1840 by an act which, copying the English act, the 1 and 2 Vict. c. 110, extended the effect of an *Elegit* to the entire estate, and equally extended the remedy by a receiver;—but is restored for the benefit of the landlords, as before described, in all cases of judgments for sums not exceeding the mysterious amount of £150.

The short effective remedy for all the absurdities which we have detailed, is obviously to return to the common law and the legislation of the English Justinian. Leave sane men to arrange their own contracts. Let a mortgage be what it was before Equity meddled with it. Let terms for years be sold as at common law, and freehold estates under the act of Edward I, and if there be a doubt whether under the proper construction of this act they can be so sold, let the doubt be removed by a declaratory enactment. What the country wants is opportunities for buying up land in small portions, and establishing an independent class of petty proprietors, and not government Boards for the management of encumbered estates.

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\* See *Davies v. Lloyd*. 2. Excheq. Rep. 103.

† See 1 Nels. Ab. *Elegit*, 698.

Mr. Bright has suggested that the summary process of the Bankrupt laws should be applied to landowners. There can be no sound reason for confining the operation of these laws, to persons who live by buying and selling; and it is rather remarkable, that before the system commenced of moulding all our institutions to suit the convenience of landlords, the bankrupt laws then introduced, were of universal application to all debtors whatever. This fact is noticed by that eminent jurist Sir William David Evans, in his "*Collection of Statutes*," where he says, "notwithstanding all the commendation which may have been bestowed upon later Statutes on account of their more confined and limited operation in this respect, I cannot but think that the generality of the original statute, was more conformable to the principles of justice and utility," (V. 4. p. 307.) and also in his well known letter to Sir Samuel Romilly on the Revision of the Bankrupt laws, where he repeats his disapprobation of the principle which confines the operation of these laws, to persons engaged in commerce, adding, "I should think that the rules of equitable distribution and personal exoneration, should be as extensive as the cases of insolvency themselves; but I am quite aware, that even if I had your concurrence in this opinion, the suggestion of any such regulation would be perfectly nugatory; the reception of your proposal for subjecting lands to simple contract debts in cases of death, sufficiently evinces that a proposal going to a greater extent upon the same principle would be instantly rejected." (Ib. 449.) Is Mr. Bright aware that Sir Samuel Romilly was never able to carry that trivial measure of law reform, and that it was effected only in the last reign, and that even in the present reign a Parliament of landowners has repealed the usury laws with regard to every thing but land? We then tell him that it is perfectly nugatory to ask such a Parliament to relax their grasp of their tenants, and to subject themselves to a code heretofore appropriated to those Celts of the geocratic political economy, those inferiorly organized animals that live by buying and selling.

The encumbered estates commission is another illustration of the exclusively landlord spirit of the legislature. Lands were substantially unsaleable at any thing like what was the fair value in former times. The true cause was the want of purchasers arising from the great fall in the prices of agricultural produce, the increase of poor

rates, and the indefiniteness of their extension, the emigration of all the substantial farmers and small capitalists, and the utter uncertainty prevailing respecting the future course of legislation. All the Irish witnesses examined before the committees of both houses deposed to this. Master Brooke described all attempts at sales as utterly abortive. (Q. 5.) Dr. Longfield scouted the notion of the English conveyancers, that titles were not as certain here as in England, and said those conveyancers did not understand the matter, and were not competent to give an opinion upon it. (Q. 9321.) Mr. Butt concurred in this view, and thought that, in the present state of the country, "no contrivance that can be adopted for selling estates, will find purchasers for them." (Q. 10273—10294.) The Master of the Rolls expresses the strongest opinion to the same effect, and gives several remarkable instances to prove that difficulty of title has nothing to do with the difficulty of sale. (Q. 1049-50-54.) Every one practically acquainted with the country knows that this is the fact. The abortive attempt to sell the Martin estates shows it. Even the chief commissioner, in his inaugural address in opening the commission, does not attempt to controvert it. He says: "Indeed, I have heard it said by some, that unless we are prepared to sacrifice all property brought into our court, we shall not be able to effect sales. I do not know whether it is expected that I should enter at any length into the subject. I presume it is not; and I confess I have no disposition to prophesy one way or other on that point." It is idle to suppose that prudent men would embark money in property that might be confiscated the next day for poor rates. Let a man buy in the best circumstanced union; the next week some neighbour, by savagely exterminating a few thousand tenantry, or humanely receiving refugees, may convert it into another Clifden, and raise the rates to 45s. in the pound.\* Until the statutes facilitating extermination are repealed, and the common law on that subject enforced, and the English law of settlement introduced, the purchasing of land must be nothing more or less than a gambling speculation, and so Mr. Butt properly characterised it. (Q. 10598.) The landlords think they serve themselves by retaining such powers; but they are

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\* See the present Chief Commissioner's evidence before the Commons committee, Q. 86.

mistaken in this as in everything else, and they will find, too late, that the eternal and universal laws of the All-just will not be abrogated for them.

Nec lex justior ulla est,  
Quam artifices necis arte perire sua.

However, nothing could divert the legislature from the foregone conclusion that the landlords, who were forced to sell, would get more for their lands if they had better titles, and thereupon they pass this act for allowing three commissioners to do what they like with every encumbered estate in the country, and the claims of creditors upon it. If the difficulty of selling arose really from the defectiveness of the titles, all that a regard for justice would have allowed would have been an alteration of the practice of the courts, so as to compel them, when they decreed a sale, to publish an abstract of the title before the day of sale, and let all bidders be bound by it; and thus "the purchaser would obtain the benefit of his contract at once," which Mr. Baron Richards announces as the chief advantage of the new court, and "not be delayed, as is sometimes the case, for years, not knowing, almost to the latest moment, whether his purchase is to be off or on." But it will be said, parties ought not to be forced to disclose their titles. They ought not, if they do not force them on the attention of the country. To the community it is a matter of indifference whether any particular estate is in the hands of A or B, provided it is in the hands of the right owner; but if it is in the hands of A, and really belongs to B, and A and his creditors wish to sell it, surely the community, whose duty and interest it is *jus suum cuique tribuere* should not be made, through their courts of justice, ancillary to the fraud. It is clear, therefore, that if landlords, or their creditors, make the courts of justice the instruments for settling their respective liabilities and rights, concerning a particular piece of ground, the title to it should be made as much a matter of notoriety and record, as the merits of the dispute respecting it. If the title were thus made known before a sale, it would fetch its value at the sale, regard being had to its sufficiency and defectiveness. But that was not enough for the landlords, and, therefore, they pass this act to make bad titles good, and saddle the cost of so doing, only about £10,000 a-year on the tax-payers of the realm.

But the gross iniquity and impolicy of the measure does not stop here. If it merely gave landlords and their creditors better titles than either contracted for, there might be no gross wrong perpetrated except upon the few right owners whose claims might be barred by a Parliamentary title. But it does not stop here. It would seem as if the landlords, having spent the money that was lent them, were now the natural enemies of their creditors, just as Bentham well observes: "the children who have eat their cake, are the natural enemies of the children who have theirs," and therefore sought to confiscate their property. By this act a puisne incumbrancer may force the sale of an estate, to the utter ruin of all the preceding incumbrancers, and though he himself, and all the world may know that he cannot thereby get one farthing of his debt. Take the case of the estates of the Earl of Portarlington. They were worth, and possibly may soon again be worth, £1,100,000. They are incumbered to the extent of £800,000. A puisne incumbrancer for £200, at the very tail of the £800,000, who cannot get anything by a sale but the costs of the application, and the profits of conducting the transaction, is forcing it on in spite of the prior incumbrancers. If the land be sold now, it cannot fetch more than £400,000. All that goes to the first incumbrancers, the Law Life Insurance Office, and all the subsequent incumbrancers get not a penny. What excuse or justification can there be for this? All that Parliamentary omnipotence should have done, was to say to puisne incumbrancers, "If you will exercise the right you now have to pay off the prior charges, we will give you the property without the expense and delay of a chancery suit, and also give you what you did not contract for, and have no right to ask—a good title: but if you will not do this, we will not allow or aid you to confiscate the property of prior incumbrancers, to gratify the whims of any one; and as you lent your money, well knowing the existence of those prior charges, and therefore impliedly undertaking not to disturb them, if the owners of those charges are content to bide their time till the circumstances of the country improve, and the land recovers its former value, you must wait too." Under no circumstances should a sale be forced that was not to realise, at least, all the incumbrances. Nothing can be more iniquitous than at a moment when it is notorious, that land is not worth one-twentieth—nay,

one-fortieth, of what it was four years back, and what in four years more it again may be, to force it into the market against the will of those who lent their money upon it, and are in law and equity its true owners, to be knocked down at any price that may be *bona fide* offered for it; for that we take from Mr. Baron Richard's inaugural address, to be the intention of the Commissioners; or in other words, at any price that the Commissioners may think it advisable for the public good it should be sold at. Before any property is sold, the only persons who should be consulted as to its selling price are its owners. Why should the public sell the property of any man against his will at their own valuation? If it be for the public good that it should be sold, the public ought to buy it at its fair value, and give him at least what he gave for it. They have no right to select him out of all the community, and sacrifice him to their notions of their own advantage. If they want his property to ride their hobby-horse, "the public good," over it, they should buy it as they buy other property wanted for public purposes. Are they now to revert to the old system of selecting particular classes or individuals as special victims, or contributories to the public good, and to rob creditors upon land on the same enlightened principle on which they formerly tortured Jews and hanged vagrant paupers? In short, the matter is not arguable. Amongst the Romans, the most politic nation in the world, it was the custom on occasions of great and overwhelming calamity to proclaim a *justitium*, a stay of the process of the courts of law, in order that that which was designed for the purpose of securing peace and justice, should not be made an instrument for overturning both. But here a Parliament of landlords seize the moment of universal confusion, consternation, and depression, to speed that process beyond all former example, and thus to ruin their "natural enemies," the benefactors, who relieved their embarrassments. Can it be *pour encourager les autres*?

But it is not the mere ruin of the creditors irrespective of the fate of the landlords, that is to be the result of this measure. We have heard indignant English creditors say, that it is to be the means of enabling the landlords to clear their lands of incumbrances, and in the following simple manner: Suppose, in the case of estates similarly circumstanced to those of Lord Portarlington, the proprietor

were to go to the first incumbrancer who does not want to have his charge paid off, and to say, If this sale proceeds, and the bidding reach the amount of your charge, will you give a receipt for the purchase money, and take a fresh incumbrance under the new title from my trustee? and he were to assent, as he probably would, the affair is settled. The estate through the process of a sale is cleared of liabilities and improved in title, and the first incumbrancer resumes his former position under the new title. Or suppose the proprietor, instead of going to an incumbrancer, goes to a company of capitalists, and asks them upon sufficient security to afford the required accommodation, the same result is effected with the additional chance of cheating the first incumbrancer of part of his claim, and the others of every thing. Can anything more intolerably and outrageously iniquitous be conceived? If after this process shall have been going on for a few years, and the greater part of the landlords shall have been restored to their lands with improved titles and diminished liabilities, our landlord legislators shall then pretend for the first time to see the nature of the measures really calculated to benefit the country and enhance the value of their property, and proceed to enact them, what will the victims of the policy say?

The only excuse that could be offered or was suggested for a measure so arbitrary and iniquitous, was, that under the peculiar circumstances of the country, it was necessary in order to promote cultivation. But this object could only be effected by improving, not the titles of the landlords, but those of the tenants. The defectiveness of the landlords' titles has nothing to do with the desolation of the country. There are thousands upon thousands of acres now waste and untenanted, to which the landlords' titles are clearly unquestionable. If therefore the motive were to yield to the national necessity of promoting cultivation, the legislature, instead of robbing creditors, should have given the tenants better titles, or done something to encourage them to remain on the land for a time and till it. But what do they do? The provisions in the original Bill respecting tenants, were thus described before the Committee of the House of Commons, by Mr. Butt:

"I find that the 20th section provides, that the Commissioners shall ascertain the tenancies of the occupying tenant, and it gives the Commissioners a power to call upon all tenants and under-ten-

ants to produce their leases and show their titles ; that is a kind of inquisitorial power ; and unless the Commissioners insert the lease in the schedule of encumbrances to which the property is to be subject, the tenant's lease is at an end ; so that it gives them a power not only of dealing with embarrassed properties, but it gives them a power of instituting an investigation into the title of every person who has a charge upon the estate, whether by lease or otherwise, and unless they hold the lease to be good the lease is at an end."

And this, he said, was a power which the Court of Chancery never possessed, and which no tribunal ought to possess. (Q. 10553.) To provisions so outrageous, so destructive of the rights of tenants, it would be natural to suppose, that when attention was thus called to them by such a witness, some of our Liberal or Repeal members would have offered a strenuous opposition, but the facts do not support the theory. Indeed, the clause as originally proposed by the government, so far from being modified for the protection of the tenant, appears to have been elaborately amended to his prejudice, as any one may see by comparing it with ss. 23 and 24 of the statute, and these are looked upon by the gentlemen who are to carry it into operation, as of such paramount importance, that they are specially noticed in the inaugural address of Mr. Baron Richards, as providing the second of the three grounds of superiority of this court above all others : "They (the purchasers) will have a clear possession, free from all claims of tenants, save those subject to which the property is expressly sold." And thus appropriately the Act for the regeneration of this country, that commences with making bad landlord titles good, robs creditors and tenants of all titles, except such as the Commissioners in their discretion may "think fit" to leave them!

One more observation we shall make on this statute. Framed to ruin creditors and tenants for the benefit of landlords, can it be used to effect a different object? If the real friends of the people were now to devote themselves to converting, through the agency of this commission, the mass of the community into absolute owners of the soil, they would do more good in one year, than can be done in a century by the devotion of all the wisdom, eloquence, and enthusiasm of four generations, to squaring political circles according to the most approved abstract theories ever yet propounded for the exercitation of schools

or nations. We, last year, pointed out the radical defects in the plan of Sir Matthew Barrington's Land Company, and foretold its failure. Its principal defect was, that it was adapted only for a comparatively wealthy class of purchasers. Dr. Gray has recently suggested the formation of a company avoiding this mistake, and to be called the Irish Peasant-Proprietor Joint Stock Association,\* and has, we believe, made some considerable progress towards its completion. Though many think a land-company will not answer, we feel certain, that if any moderate number of prudent, business-like men, bent on serving themselves as well as their country, combine honestly and earnestly with the tenants and creditors of the lands to be sold under the commission, and with such, too, of the inheritors as may not have the means to enter into the arrangements above-mentioned for clearing off their puisne incumbrancers, their efforts will be crowned with a success far beyond their most sanguine anticipations. Whether one great central company, with branches in different localities, on the model of the National Bank, or independent local companies, on the model of the Freehold Land companies of England, or some new and hitherto unheard-of system be best, we pretend not to say; but we feel the force of the adage, that where there is a will there is a way, and that if the combination we suggest be adopted, men who love their country, and are not unthoughtful of their own interests, and are unwilling to see the people vanish off the surface of the island after a lingering servitude to pauperism and starvation upon it, creditors, who are unwilling to be sacrificed by the fraudulent operation of this new landlord device, poor landlords, who cannot avail themselves of it, and capitalists who wish to make money by a safe and honourable investment, would all attain their objects, and thus not simply "a public feeling," but what is much better, a numerous landed proprietary, "racy of the soil," would be created, and the fondest, and we hope prophetic, aspirations of an honest, heart-broken, peasantry, as expressed in one of their own favourite songs

be3 Cipe 43 4n 7p4lpn f4n4c †

would be realized; and thus, too, might English tax-payers

\* See the Freeman's Journal, Nov. 30th, and Dec. 5th, 1849.

† Ireland shall belong to the wandering labourer.

realize visions of financial retrenchment, being relieved to the extent of the Income tax from the cost of keeping us in misery and order; for we fancy that if we once found ourselves comfortable, and enjoying the luxury of a seat under our own fruit-trees, freed from the plague of landlords, we should be as quiet and orderly as other comfortable people; and English statesmen, extricated from the "Irish difficulty," might have leisure to consider whether the adoption of some similar system might not be as well calculated to alleviate the sufferings of their own poor, as that super-sublime one which now keeps them, especially in the purely agricultural and large-farm districts, Dorsetshire, Devonshire, Wiltshire, Somersetshire, &c., &c., oscillating between the jail and the workhouse.

Sir Robert Peel's plantation Scheme is so closely connected with this Statute, that we may appropriately notice it here. That project, we confess with regret, confirms us more than fifty acts of Parliament in our view of the hopelessness of obtaining any really remedial measures from the present legislature. He was the first English minister who denounced the extermination system, and we therefore cherished a hope that he would look to the interests of the people, but we have been disappointed. His scheme embraces Connaught only, and suggests nothing for the benefit of the people of that province, but merely removing them, both landlords and tenants, off, and substituting a new race of Anglo-Saxon landlords. We may well pardon him for his views respecting us, but we wonder at his ignorance respecting his own countrymen. The Corporation of London was to buy up Connaught. Where were they to get the money? The Right Hon. Gentleman, dazzled by the barbaric magnificence of the Lord Mayor's entertainments, and well knowing that the peculiar characteristic of his Anglo-Saxon countrymen, and especially those collected in the focus of civilisation, was that of all highly organized races, for instance, the ancient Greeks, the Arabians and Caucasians, an instinctive antipathy to excess in eating and drinking, a love of plain and simple diet, bread, fruit, vegetables, and water, and a philosophic contentment with a very little of these, and seeing in their thin, spare, and healthy figures the practical proof of the received ethnological theory, was naturally led to fancy that a corporation, which fared so sumptuously, must have a large surplus revenue. But there is not a corporation in

the kingdom, with less money to spare for any purpose except eating and drinking. Their chief source of income is the coal tax. If they could raise any money by a mortgage of that, their first duty would be to expend it in clearing, scouring, and deodorising their own city. But they cannot. In fact, they are driven to shifts for money to which no other corporation would descend. Not to multiply details, fancy their condition, when they are obliged to make £200 or £300 a-year, by charging for admission to the galleries of the Old Bailey, the prices varying with the interest of the scene, from sixpence to a guinea, and thus converting their courts of justice into criminal show-rooms, into chambers of horror, *a la* Madame Tussaud. Just conceive the net profits of the exhibition of Manning and wife going towards the purchase of the ancient fief of the O'Connors.

Again, the Right Hon. Gentleman was mistaken, we believe, in supposing that English gentlemen and farmers would come to colonise Connaught. We think we know something of the feelings of English farmers, and we are satisfied that if they once leave their present homes to seek for new ones in another country, they will not stop on this side of the Atlantic. If they can release themselves from the sympathies which bind them to their native soil, all the world is alike to them, and why should they stop here? In America they can buy out and out for ever 200 acres, for less than one acre would cost here, in fact, for a sum per acre less than one year's poor rate assessment here, and hold it free from quit rents, crown rents, tithes, labour-rates, poor-rates, and all our other local and public burdens. A few dupes will be always found in England to embark in any speculation, however absurd; but neither Sir Robert, nor any other statesman, will ever be able to persuade fifty sensible farmers, who have anything to lose by the change, to abandon their homes and settle here. It would afford us great pleasure to see English farmers colonising our wastes, as they would soon teach our farmers not to suffer themselves to be ground to powder: but under the present circumstances of the country, no prudent solvent men can be expected to come, and with any others we can well dispense.

Another indication of the landlord spirit is the pretended facility for selling lands for arrears of poor rate, afforded by the new Poor Law Act. We, last year, pointed

out the fearful evils arising from the inability of the Poor Law authorities to recover the rates from landlords, and especially the rates of such lands as were cleared of inhabitants and left waste, and showed that the system was leading directly to universal ruin, by throwing great numbers of paupers who had been ratepayers on the rates, and then evading the payment of the rates due of the lands, off which they had been so "cleared," and thus causing rates to be multiplied indefinitely on the humane and honest folks who lived in the country, cultivated their lands, gave employment, and had stock and materials which could not escape the gripe of the collectors: and we recommended, that in this island a remedy should be adopted that was known elsewhere—namely, that the land should be sold under a summary process for nonpayment of the rates, a conveyance under the seal of the Poor Law Commissioners to be a title against the world. This suggestion was well received by all the honest rate-paying portion of the public, and in the course of the last session was much canvassed. The remedy against the land being before practically a fiction of law, the Committees of the Lords and Commons examined several witnesses as to whether the *corpus* of an estate should be made really liable for arrears of rate; and the former, to their surprise, found it suggested as one of the remedies for the distress of the country, by the Hon. Mr. Twisleton, the late Chief Commissioner of Poor Laws, Mr. Bourke, an assistant Commissioner, Mr. O'Shaughnessy, who as Assistant Barrister for Mayo, had opportunities of observing the operation of the law, Mr. Brett, the County Surveyor of Mayo, and two landlords, Mr. Leader, and Mr. Hamilton. (Q. 4206, 4416, 4512, 5161, 6951, 8087, 8136.) Before the Committee of the House of Commons, the present Chief Commissioner, Mr. Power, expressed the most decided opinion in favour of some measure, saying, that "rather than excuse the rates, he would prefer a power to take and sell the lands for the arrears," and would "at all risks, rather see that carried out fully by every means necessary to be provided by law, than adopt the practice of excusing the rate upon one property to the detriment of another." (Q. 134, 803, 951-4, 1193.) Mr. Butt, and several other witnesses, whose opinions were of great value, expressed themselves in favour of it. Mr. Napier, who was a member of the committee, assumed the character of a witness, for the purpose

of giving, in writing, “a summary of the law, with some general suggestions.” In this valuable document he says, that where the land is deserted by tenants, “the land is the real debtor, and there should be some direct remedy against the land;” and as, “under the existing law, the arrear should be paid by the first party who occupies as a primary charge on the rents and profits, I see no injustice in giving a summary remedy in the first instance, on notice to all parties. Whatever arrear remains after a tenancy is ended, must, in the end, be paid, (if at all,) either directly or circuitously by the owner of the rents and profits. There is great public mischief in allowing an arrear to continue unpaid, because it affects the rights and liabilities of many others. I see, therefore, no reason why an arrear should be allowed to remain as an undischarged incumbrance on property, if, by any summary and sufficient remedy, the property can be made responsible for the claim.” (Q. 2804.) We give, in some detail, the evidence of Dr. Longfield, as being conclusive on the subject. After saying that he thought the measure “a proper and useful one,” and necessary here, though not in England, the examination proceeds thus :

“9451. Is it not going one step further in a poorer country, to say that not the product of the land, but the corpus land shall be liable? —It is, but it is going a necessary step further. I think that when a tax is imposed on the owner of any property, the most merciful thing to him is at once to deprive him of all hope of evading the payment of that tax.

“9452. Am I to understand you, that where land is thrown out of cultivation, the tenant flying, and constructively the owner becoming the occupier, you would, if he failed to pay the arrear of rate, proceed to sell the land itself?—Yes; at present he must pay the arrear of rate; if he occupies himself he can be distrained on for that arrear of rate; if another tenant comes in, that other tenant can be compelled to pay the whole arrear, and may deduct that entire arrear from the landlord, so that practically the burden is thrown on the landlord.

“9453. There is a step further; the land is not cultivated, and the owner does not occupy; would you then constructively hold him to be in occupation, and proceed to levy as against him, and failing payment by him to sell the land?—To sell that particular land I would, because if that process is to continue for ever, it is better to have the land sold than for it to remain always unoccupied, and whenever it is occupied the first occupier takes it with all the arrears, which are thrown again upon the landlord.

"9454. That has been termed a law of confiscation; would you so regard it, the law being as it now is in Ireland, the usufruct of the land being in the first instance liable to the payment of an arrear, and constructively the landlord liable for arrears?—If I were opposing the law I might call it confiscation, but I do not think it confiscation.

"9455. With your views of law and of equity, regarding it as a question of law and of equity, would you consider it a measure justifiable upon those principles?—I think it a measure that necessarily follows from the principles, and that it is absurd to stop short of it.

"9456. If it would be justifiable upon principles of law and equity, looking to the condition of the most distressed part of Connaught, as a matter of policy, would those forced sales for arrear of poor-rate operate in a manner conducive to the public good, by forcing sales of small portions of land?—I think it would operate in a manner most conducive to the public good, and I would say that it is not a question between the landlord and the other interests of the country, but between the non-paying and the paying landlord, because the rate must be collected; if my neighbour does not pay I must; that is all.

"9478. With reference to the power of selling for arrears of rate, does it not press somewhat hardly upon the landlord that he should bear the whole burthen of the poor-rate for tenements under £1., his tenant having no interest in keeping down the charge, but probably an opposite interest, with the hope of getting some relief himself, to accumulate the charge?—It does; I have mentioned that it is contrary to principle, but that I think in the present state of society it is necessary, because the landlord would otherwise assist, in many instances, his tenant in evading the law. If the landlord gets any rent from his tenant while the poor-rate is unpaid, he is in fact getting money that ought in the first instance to have gone to pay the poor-rate collector.

"9520. Mr. Napier.] In cases where there are arrears of poor-rate, and the land is encumbered with mortgages on it, supposing that the mortgagor stood in the relation of the landlord, how would you deal with that case?—In the same manner. I would sell it still, precisely as if it were unencumbered; the poor-rate at present takes precedence of all encumbrances.

"9521. Quoad the profits?—Quoad the profits, and thereby quoad the corpus, because the corpus is only valuable as you are able to enjoy the profits.

"9522. Would you sell the inheritance notwithstanding those encumbrances?—Certainly.

"9523. Would not that be affecting mortgages by poor-rate?—Of course it would be affecting the mortgages in this respect, that the estate is rendered less valuable.

"9524. Mr. Bright.] And their security less?—Yes.

" 9525. Mr. Napier.] Then, supposing an arrear of poor-rate had accrued in the way you mention, and you were going to sell the property, would you sell it discharged of those encumbrances?—Certainly."

In short, the expression of opinion in favour of some measure for selling the land for the arrears of rate was so unanimous and decided on the part of all the witnesses who were examined upon it, that the legislature thought themselves bound to appear to comply, and they accordingly adopt a few clauses, which are forthwith heralded through the realm, as providing the means of effectuating the wishes of all the honest rate-paying portion of the community, but which, in reality, leave the matter practically where they found it. These provisions are contained in the 15th, 16th, 17th, and 18th sections of the new Poor Law Act, 12 and 13 Vict. c. 104. The two first provide for short forms of declarations in actions in the Superior Courts by guardians; the 3rd provides for the filing and registration of the decrees of the assistant Barristers' Courts, as judgments of the Superior Courts, (this could have been done before, according to Mr. Napier, Q. 810-4); and the last makes judgments, and decrees a charge on the defendant's real estate, situate within the union, where the arrears occurred, and gives them priority (and this is the only substantial novelty in the measure) over all other charges and incumbrances, except crown and quit rents, tithe rent charge, and charges, if any already existing, under the drainage and land improvement acts. The effect of all this is merely to place guardians, who have got a judgment or decree against a landowner, or supposed landowner, in the same position with regard to his interest in the land, as if he had executed a mortgage of it under his hand and seal, that is to say, they may file a bill in equity praying for a sale of his interest.

A Chancery suit for the recovery of arrears of rate!!! Is not the offer of such a remedy an insult to the common sense of all the rate-paying portion of the community? The guardians had the same remedy before by suing in the superior courts, with the exception of the priority now expressly given; but they never enforced it. (Q. 132-3, 810-11-14.) Fancy a ten years' Chancery suit for a half year's arrear of rate against a gentleman who, on his title being examined into adversely may, at the end of three years' more litigation on that point, prove possibly to be

little better than a bailiff, probably only tenant for life, and almost certainly not owner of the fee simple; and fancy at the end of all that an ejectment on the title, occupying, at least, another year, against the paupers who most probably would have squatted on the wastes, and were not "parties to the suit,"—and then the guardians, sending the Sheriff a writ of *habere facias possessionem*, and going with him and the *posse comitatus* to level their cabins, and take them into the workhouse, and deliver possession to the purchaser; and after deducting from the purchase money the arrears of crown rents, quit rents, tithe rent-charges, drainage and land improvement loans, and the costs of the first action and of the suit for the sale, and the suit respecting the title, and of the action of ejectment,—applying the balance, if any, towards the payment of the six months' rate struck some fifteen years before. But do not stop here. Pursue the argument ad absurdum. How are the rates to be recovered that are or ought to be imposed in the interval between the commencement of the first action and the time of depositing the purchase money? (The purchaser will be liable for all the subsequent rates.) The owner, involved in a Chancery suit, may become desperate, and *bona fide* assign his title to some pauper, and renounce the occupation. Are they to sue the pauper? Are they to have two Chancery suits on hand at the same time? Suppose they sue, and he in terror flies the country, having first taken care to assign his estate and interest to some other but undiscoverable pauper, what are they to do? Are the lands to remain exempt from rates because the guardians cannot discover the heirs and assigns of the fugitive? and suppose they should be discovered, are they to be made parties to the pending suits by supplemental bills, or how otherwise? And if they should then in due form of law renounce all title to the land, and it should become, in fact, and to all intents and purposes, abandoned, derelict, disowned, and repudiated—how are the rates to be recovered? Are the lands to be unrated because they are unowned? If the Legislature meant to make the land really liable for the rate, would they have interposed a Chancery suit? The avowed object of all their other legislation is to take property out of that Court. The Committee on Receivers over and over again repeat their conviction of the necessity of saving property from that jurisdiction. One of the principal grounds for the

appointment of the Encumbered Estates Commission was said to be to protect property from the ruinous costs and delays of equity suits. Why not then bring these decrees and judgments within the jurisdiction of this commission? Why take special care to keep them out of it? Why, if they are to be made equivalent to a mortgage, not allow the guardians at once to enter on possession; or, if it be refused them, bring an action of ejectment for it? Why not sell on a decree or judgment without further delay or litigation, adopting the writ of execution under the Act of Edward I., as by this the Sheriff could at once dispose of the defendant's interest, and give the purchaser immediate possession? If, after ten or more years' litigation in Chancery, he must be introduced to wind up the proceedings, surely he may be as well introduced in the first instance.

But even any of these courses would be attended with more expense, delay, difficulty, and uncertainty, than ought to attend any process for the recovery of rates on which the existence of so many people, and the security of all property depend; and moreover, they do not at all reach the case of lands for which an owner cannot be discovered,—a circumstance of frequent occurrence since the commencement of the wholesale exterminations, and the consequent fearful increase of poor-rates. The only objection that can be reasonably urged to our suggestion is, that it dispenses with all litigation. But this, we apprehend, is not of much weight. The evil of unnecessarily incurring great costs in litigation where there is no doubt as to the facts, has attracted the attention of all parties. The Committee on Receivers point out the evils arising from a "facility of litigation where facts are not doubted," and say, "where the question is whether so much rent is in arrear, the fact is capable of being ascertained without vexatious litigation;" and suggest, consequently, "that the recovery of rent should generally be enforced by summary process on the certificate of the master, adjudicating on the amount of rent due." (2nd Rep. p. ix.) So the Lord Chancellor suggests, that the court should be empowered, in case one half year's rent should be in arrear for three months, "to make a summary order, unless cause shown to the contrary, to determine the lease or tenancy of any tenant holding under a Receiver or the

Court, and put the tenant out of possession.”\* Read for rent, rate, and the principle applies to our suggestion. So a late Lord Chancellor observes:

“The grievance, which is peculiar to England, of being obliged to bring an action and prove a debt, established by the judgment of a court of law, before enforcing payment of it where there is not the smallest doubt of the validity of the instrument by which it is constituted, has always been a reproach to the administration of justice in this country. To mitigate the evil, the statute of Acton Burnel enacts, that where a debt has been acknowledged before the mayor of a town, immediately after default of payment, there shall be execution upon it, and that by an application to the Chancellor, the creditor may obtain satisfaction by sale of the debtor’s goods and alienable lands in any part of England.”

This his Lordship calls a “most admirable statute,”—says it shows “that the subject was as well understood in the time of Chancellor Burnel as in the time of Chancellor Eldon, or Chancellor Lyndhurst;” and adds the climax to his eulogy, by stating that he himself had “repeatedly but ineffectually attempted to extend the principle of this measure to modern securities, bonds, and bills of exchange, and to assimilate our law in this respect to that of Scotland, France, and every other civilised country.”† But an authority still more in point is that of Mr. Napier, as we may take him to be the legal representative of the landlord interest in the House of Commons. He objects even to the litigation about rates before the petty sessions, saying, in that document to which we have before referred, that the effect of the recent decision of the Queen’s Bench, allowing the landlord, when summoned before magistrates, to contest the fact of his filling that character, “converts that which ought to be a cheap and summary remedy for a specific demand into a vexatious and expensive search for the party who ought to be charged with the rate.”—“I may conclude my observations on this head by observing, that the remedy for poor rate should, as I conceive, merely involve the question of payment;—the rate book should conclusively show the party liable, and the amount due;—and the final adjudication made should be invested with all the efficacy of a judgment of a

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\* First Rep. App. 147.

† Lord Campbell’s *Lives of the Chancellors*, V. i. p. 167.

superior court of record, which should be enforced with all diligence against every species of available property of the party liable." We might cite authorities without number in favour, and examples from the Colonies, the United States, and other countries, of the course we suggest; but as we have the identical practice, which we would introduce, in force for upwards of two centuries in England on property belonging to the Bedford family, and established too under the auspices of one of the most eminent of the ancestors of the Premier, we think we need do no more than state what it is.

On that tract of country lying on the eastern shore of England, and called the Bedford Level, a low-lying district saved from the sea by high embankments, and consequently liable to sudden inundations, it was found necessary to devise a cheap, speedy, and certain mode of collecting the taxes, and the following is the mode devised:\*. The register of the corporation keeps a register or lot book, in which the ownership of each lot or parcel of land is recorded. The tax is laid on at the April meeting, and ordered for payment, part in June, and the rest in November. After that meeting the register prepares what is called the "annual tax roll, comprising particulars of the quantity of land, and the amount of tax of each owner, and transmits the same to the receiver." In this tax roll, the name of a new owner cannot be entered, except his title is first registered at the Fen Office; and if he neglect to register, "the receiver cannot divide the tax charged in the tax-roll: he is therefore required to receive the whole amount, or none of it." The tax ought to be paid at the receiver's office at Ely; but he now generally attends at certain other towns in the months of June and November, to receive it—and he is "directed to forward to the auditor in the first weeks of July and December, a correct list of all persons in arrear, in order that the auditor may be enabled to charge them with the penalties upon the taxes so in arrear."† These penalties are not to exceed a

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\* We take this account of it from "The History of the Drainage of the Great Level of the Fens, called the Bedford Level, with the Constitutions and Laws of the Bedford Level Corporation. By Samuel Wells, Esq., Register of the Corporation." London, 1830.

† V. i. 558-9-60, 628, 629, 630.

third of the tax; and the receiver can "not in any case whatever take any tax without penalty after the day the same is incurred." Annually, on the first of February, the receiver furnishes the register with a fair engrossed roll or schedule on parchment, containing an account of all arrears of taxes and penalties then unpaid, which, after being examined by the latter, is certified under his hand and the seal of the corporation, and returned by him to the receiver, in order that the same may be publicly affixed to the door of the Shire hall, according to Act of Parliament. The receiver places the said schedule, (usually denominated the arrear roll), and which contains the description and quantities of the land in arrear, the names of the owners, and the amount of the tax and penalty, on the doors of the Shire hall at Ely, on three several market days, (Thursdays), immediately preceding the public meeting in April, to notify to the defaulters that their lands will be forfeited and sold at such meeting, unless the taxes and penalties be sooner paid. "The extreme though necessary severity of the law in this respect has induced the board to take every precaution consistent with the due discharge of their important duties, to prevent oppression, not only by directing that the arrear roll shall be advertised in the provincial papers two weeks previous to the April meeting, and that letters shall be written by the register to the several persons in arrear, but also by framing the conditions of sale so as to enable the Board to interfere in cases of mere accident or particular hardship." "The mode of proceeding to sale is rather curious. The register reads from the roll the full particulars of each lot, and then demands what quantity any one will take for the amount of the tax and penalty; and should any one, for instance, say he will take the tenth, the register then enquires if any one will take less than that quantity, until he has at length obtained the amount of the tax and penalty for the smallest possible quantity." The party to whom the sale is made becomes thereby "lawful purchaser and assignee of so much as shall be sold to all intents and purposes whatsoever,"\* and the Sergeant at mace of the Corporation, by a precept under their seal, "in nature of a writ of *Habere facias possessionem* at common law," delivers possession.† As

\* 15 Car. 2, c. 17, s. 10. Ib. Vol. ii. Appendix, 395.

† V. i. 622.

the Court of Chancery determined in 1678, that it "could not interfere with any sale on pretence of equity,"\* the title thus secured is so free from doubt that, we are told, "in order to relieve titles from difficulties, lands have been sometimes put up to sale as forfeited lands, with a view of obtaining a bargain and sale under the corporate seal. Such a bargain and sale will confer an unexceptionable title. But of course this is a dangerous experiment, as any individual may bid, and thus deprive the owner of part of the estate."† Lest the reader may suppose that these powers of sale were exercised only in "the dark ages," we may quote Mr. Wells once more, who says: "The quantity on the arrear roll has varied from time to time. Sometimes upwards of 20,000 acres became forfeited for nonpayment of taxes. For several years not one acre has been forfeited, otherwise than through a mistake, and for want of money to pay the tax."‡ Still not a year passes that advertisements for the sale of lands forfeited for these taxes do not appear in the Cambridge and other local papers. Here, then, is a system in successful operation for upwards of 200 years, which may at once be substituted for the expensive, dilatory, and inoperative contrivances of our speculative landlord legislators. Its great advantages, and they cannot be too often mentioned, are, that the rates are collected with unerring certainty, and the least possible expense; the enforcement of the payment is by the surest, cheapest, and justest process the wit of man can devise; and the title given to the purchaser is free from all doubt, and beyond the reach of quibbles—and, above all, the quibbles of practitioners in—equity.

If any of our representatives were to take up this subject, they would find the statutes in Mr. Wells's book quite sufficient; but as they very probably may like to make provisions for the cases of persons absent, insane, under age, &c. &c., they would find these in the Acts of the United States; for instance, the Act of 9th. January, 1815, c. 21, entitled, "An Act to provide additional Revenues for defraying the expenses of Government, and maintaining the public credit by laying a direct tax upon the United States, and to provide for collecting and assessing the

\* Vol. i. 568.

† Ib. p. 624.

‡ Ib.

same.”\* This system has worked admirably in the States, and is one of the causes of their rapid colonisation in contrast with the slow progress of our settlements. In these the colonial office mismanagers have been in the habit of making grants, to favourites or capitalists, of vast tracts of land which lie unreclaimed, the grantees looking forward for ample remuneration to the time when all the surrounding districts shall have been settled, and land shall be dear—in the meantime contributing nothing to the local or public burdens, for there is nothing seizable or sellable on the land, timber in the backwoods not being readily convertible into current coin; just exactly as our exterminators hope to manage here. In the States, however, a different rule prevails. If a party get a piece of ground, he and it are at once set down as contributories to the public burdens; and if these are not duly paid, and his goods and chattels are not forthcoming, slices of it are sold off, without much unnecessary ceremony, to persons who for their own sakes will improve and reclaim, and will not be mere nominal owners. In this way, too, we can foresee in this country a vast number of small yeomen repeopling the districts that our humane and superhuman Anglo-Saxon masters are now converting into wastes.

In the Bedford Level Statutes there does not seem to be any provision for distraining goods and chattels for the rates. In the United States there are provisions for this purpose in the Acts regulating the taxes for the general government; but there is also a provision which one would expect to find among the enactments of a legislature whose members were selected from the ordinary classes of society, and not from the *crème de la crème* of geocracy, and some of whom would consequently be themselves, or have friends, relations, and neighbours, liable to suffer from a too harsh and unmerciful enforcement of public rights. This provision also, oddly enough, is borrowed from our law as it was when our legislature was somewhat like that of the United States, and ere yet it was exclusively composed of knights and citizens, who could declare that they respectively were worth £600 and £300 a-year, clear of encumbrance, and could consequently stand in no need of a proviso, such as we find in the 26th section of this Ame-

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\* See Public Statutes at Large of the United States. Boston, 1845. Vol. 3, p. 164.

rican Act:—"That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved land, arms, or household furniture, or apparel necessary for a family." The 51 H. 3, stat. 4, provided, "That no man of religion nor other, shall be distrained by his beasts that gain his land, nor by his sheep, for the king's debt, nor the debt of any other man, nor for any other cause, by the king's or other Bailiffs, but until they can find another distress, or chattels whereof they may levy the debt, or that is sufficient for the demand, (except for damage feasant) and that such distresses be reasonable after the value of the debt or demand, *and by estimation of neighbours, and not by strangers*, and not outrageous." This was re-enacted by the 28 Ed. I. stat. 3, c. 12. Lord Coke, in his commentary on this statute, quotes a similar provision of the Civil Law; and in order to show that it was part of the Common Law, cites a number of ancient authorities to the same effect, one of whom gives the sensible reason for the rule, "lest if his agriculture should be neglected, the party might be forced to run deeper in debt afterwards." Britton he cites as including within such a prohibition, in addition to beasts of the plough and sheep, beasts for the saddle, vessels, or robes, or anything within the house, or by which a livelihood is disturbed.\* So a more modern writer, collecting the substance of all the authorities, says, "No man can be distrained for rent by the utensils of his trade, as the axe of a carpenter, the books of a scholar, the materials for making cloth in a weaver's shop; for these the law protects, under a presumption that without them the tenant could neither be useful to others, nor gain a livelihood for himself."† A twelve-month back we recommended that this principle should be applied to the collection of the Poor-rate, and everything we have heard or seen since confirms us in the correctness of our view. We know that the wretchedness of the country has been frightfully aggravated, and believe that two-thirds of those who within the year have become paupers, have been made so by the manner in which the collection of the rates was enforced. We cannot conceive how it could have entered

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\* 2. Just. 132.

† Bac. Abridg. Distress. (B)

into the minds of any men who had the slightest feeling for the people, or regard for the ultimate condition of the country, to let collectors loose upon the rate-payers the moment a rate was struck, without giving them any notice or any time to pay. The present Chief Commissioner thus coolly states the power of these myrmidons without suggesting the slightest restriction to it :

“The powers of the collectors are very summary in Ireland, more so than in England. Immediately that a rate is made, the collector can, under his own warrant, proceed on the lands rated, and take any goods, stock, or chattels that he finds there, whether they belong to the party or to any body else.” \*

We may add that the collector, when he has thus made a seizure, may impound the distress where he thinks proper, sell it when and where he likes, and act himself as auctioneer. We pointed out last year, the sad consequences of plundering poor honest strugglers of the last pan, plate, and blanket. This has gone on with tenfold violence. The reader who has the happiness of not knowing anything of the country, but what he hears or reads, may take the following outline by the Reverend Mr. Hardiman, as conveying only a very faint idea of the horrors of the system.

“With regard to the levying of the rates, had the poorer classes last year any means of meeting the rates imposed upon them?—Generally speaking, I am positive they had no means.—What were the consequences of levying the rates upon a class of persons not far from starvation? The consequences were lamentable in many ways; first, it deprived those who could have existed, and still hung to the rigging, of the means of doing so, by taking away their only and sole property and possession; and, secondly, I have in many instances known that very good members of society, having a little property left, have gone, as I said a while ago, either to America or to some other quarter, and of course a greater burden of unpaid rates was thereby thrown upon the community; and in every respect, to my mind, the levying of rates, and the harshness, I will say, which was exercised in quarters where there were no means of meeting, produced consequences unutterably disastrous in every respect, both as to the deprivation to which the parties were subjected, and the fear which was infused into the wholesome parts of the community; and also I knew, in many cases, a very strange sort of procedure carried on as the collector's part of the duty.”†

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\* *Ib.* of Com. Rep. Ques. 791.

† Evidence before the Committee of the House of Commons.

A common mode of proceeding has been to go at once, almost before the rate-payers could have heard that the rate was struck, to seize stock, crops and furniture, and then to sell all at less than a tenth, nay, a twentieth, of the real value, by a sort of mock auction, at which the friends and accomplices of the collectors were prepared to attend. We wonder how men could have had the patience to submit to such treatment, and believe that instances of such meekness and forbearance as they have exhibited, could be discovered in no other country in Europe.

Some remedy for this evil would be, if that we have above suggested be not adopted, to assimilate our law to that of England. The consequence would be, that the rate-payer should be first summoned before two justices: that would give time to prepare for payment. He would, before the justices, have an opportunity of proving, perhaps, that he had paid, or of explaining his circumstances, and getting a reasonable time to pay; the seizure should be sanctioned by the warrant of the justices, and the sale could not take place in less than four days from the time of the seizure, nor otherwise than according to certain forms which have been found even in England necessary for the protection of the public, against the rapacity of bailiffs. One other great advantage would be, that if it should appear to the justices, to whom application should be made for the warrant, "that the issuing thereof would be ruinous to the defendant and his family," or "that he hath no goods or chattels whereon to levy such distress," they might award imprisonment.\* A further slight amendment in such case, would be to allow them to excuse him, and to charge the lessor, or the land, as the case might be, even if it were to send the guardians into chancery.

Another suggestion we would make for the protection of landed proprietors. They are now liable to process of execution against their goods and persons for arrears of rate. Nothing can be more unjust in principle or in practice, than to subject the owner (too often merely nominal) of land to such persecutions. The rate is imposed on him in respect of the profits which he is supposed to derive from the land, "the rateable hereditaments," and not in respect of any money, goods, or chattels, which he may be

\* See 11 and 12 Vict. c. 43. s. 29; 12 and 13 Vict. c. 70. s. 19.

supposed to have from any other source. His name is introduced by accident only, and as a matter of description and designation of the particular hereditaments, just as the metes and bounds might be; and, therefore, the remedy should not be against him, but against the land itself. We have known instances, where gentlemen living in England, by their own personal exertion, and having only the nominal ownership of lands here, not having derived for years a penny from them, have been harassed by threats of action for rates. Again, in this country, is it not saddening to see gentlemen, who are mere nominal owners of land, who have not received rents for years from it, and in all probability never will, ruined by executions against their persons and household goods? The present deplorable circumstances of the country require that this practice should be abandoned, and that the land alone should be looked to for the rate, and that neither landlords nor tenants should be personally persecuted for it.

The Bedford Level must be our model, not only for poor-rates, but for all public taxes. The grand jury cess has now become such a fearful charge, that if the present mode of levying it be continued, it will tend to the desolation of the country almost as much as the poor-rates. The following authentic statement of its progressive increase in the county of Limerick will give an idea of its increase in other counties. It was, in 1795, £5,579; in 1805, £15,952; in 1815, £17,224; in 1825, £31,094; in 1835, £31,788; in 1845, £37,821; in 1846, £40,054; in 1847, £46,075; in 1848, £65,465; in 1849, £96,688. The following is a detailed statement of its amount per £., in 1845 and in 1849 in the several unions of that county:

	Rathkeale.			Newcastle.			Limerick.			Killmallock (part of.)			Tipperary (part of.)			Clogheen (part of.)		
1845	0	1	3 $\frac{3}{4}$	0	1	5 $\frac{1}{2}$	0	1	3 $\frac{1}{2}$	0	1	4 $\frac{1}{2}$	0	2	0	0	1	4 $\frac{1}{2}$
1849	0	3	9 $\frac{1}{4}$	0	4	0 $\frac{1}{2}$	0	3	2	0	3	0 $\frac{3}{4}$	0	3	10 $\frac{1}{2}$	0	3	4

It appears that the poor-rate and grand jury rate for that county for the year ending the 29th of September, 1849, amounted to 9s. 2d. per £. on the present valuation of the entire county; and on two of the electoral divisions of the county, to upwards of 15s. per £.; and one, Castle-town, to 20s. 1d., per £. In this last division, which consists of 9656 acres, 2397 acres are already waste. It is quite idle to expect to recover the grand jury cess off

the waste by the present process, and it is cruel and silly to lay the rest of the division waste by the process which has succeeded so admirably with these 2397 acres, namely, seizing and selling the stock and furniture of the inhabitants.

That some new course must be adopted is, we think, beyond question. The facts we have above stated respecting the county of Limerick, we have taken from a report unanimously adopted at a meeting of magistrates and grand jurors of that county, held on the 24th of Nov. last. The report states that the committee who prepared it, had been appointed to collect such facts, as might fully and impartially represent the condition of the county, and that they had done so with the co-operation of sub-committees in the several unions. These were composed chiefly of the chairmen and vice-chairmen of the boards of guardians, and counted amongst their members, Lord Clare, Lord Monteagle, Lord Clarina, Lord Muskerry, and Mr. Monsell, M. P. A report from such a body, unanimously adopted, is beyond a doubt entitled to the greatest respect and attention. Limerick too, it should be recollected, is more than an average county. It contains some of the most fertile lands in the kingdom, and has suffered, perhaps as little from bad landlords and extermination, as any other county in the island. One of the chief exterminators, we may observe *en passant*, is a Catholic nobleman. Then what do these lords, magistrates, and grand jurors report? After noticing the evidences of social progress which were visible before the potato blight, and of social ruin which has since supervened, they say: "Assuming that the events and system, which have for some years been in progress, should continue unchecked, the committee cannot but anticipate a general destruction of the ordinary bonds of society,—the annihilation of property—the cessation of all profitable demand for labour, and the absorption of all classes in one common irremediable ruin, ultimately destructive to individual happiness, and fatal to the best interests of the community;" after pointing out the progress of grand jury taxation, and the reduction in the value of property, and the extent of cultivation, they add, that the decay of the wealth of the Limerick Unions, as represented by their agricultural produce, is rapidly extending, "and the committee are enabled to state, from their own personal knowledge and obser-

vations, that *considerable and increasing tracts lie waste and uncultivated*. The number of cattle is alarmingly reduced on the pasture lands—the stacks in the homesteads have almost disappeared—many districts are left abandoned and desolate, *and the doubt of reaping the harvest indisposes many from sowing*, and even when agriculture is continued, the cultivator, in despair at the prospect of taxation indefinitely increasing, becomes hopeless, limits all his operations, and thus diminishes the demand for labour.” They then proceed to notice the increasing burthens on the resources of the county, and amongst others name the Rate-in-Aid, which, we observe, rather ominously already exceeds by £4000, the entire poor-rate for 1845, and by £1500, that for 1846. After going through all the details of the poor-rate and grand jury taxation for the county, and noticing the ruin impending over the community, and the new and extended emigration of “that middle class of industrious men which Ireland so much wants, and without which no state can be staple or prosperous,” they contemplate the arrival of “the fatal period when payment of rates shall cease by the interruption of cultivation, and the demand for labour and the power of paying wages shall likewise cease,” when “*even the extinction of all rent would be no relief to the occupier*,” and “*land would cease to be profitable into whatever hands it might fall*. They see no escape from universal pauperism except through “the wisdom and the aid of Parliament;” and they suggest that though some may doubt whether the evils of the country are remediable by legislation, yet no one can deny “that it is a fit subject for consideration, how far recent laws have aggravated these evils, how far the reform of them is demanded, and whether the remedial measures adopted, from views undoubtedly benevolent, have neither been found adequate, nor in principle, fitted for the occasion.” \*

We fear, that if every process against the goods or person for rates and taxes be not altogether superseded, and the land alone be made liable, no modification of the mode of collecting will be sufficient. We are satisfied too, that if the statutes allowing the sale of distresses for rent be not suspended or repealed, there can be no cultivation of the soil this spring. Every one acquainted with the country,

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\* See Limerick Chronicle, Dec. 1st, 1849.

knows that this is so. If a select conclave of Limerick landlords confess, that "the doubt of reaping the harvest indisposes many from sowing," what would the Limerick farmers say? Let those who are startled at our proposition, reflect on the circumstances around them, and recollect that these statutes are modern landlord innovations, and in direct violation of the principles of the common law, and not dating farther back than the reign of William III. Then for the first time, landlords were allowed to sell what they could before distrain, and to distrain and sell certain articles which they could not before distrain; to wit, "sheaves or cocks of corn, loose or in the straw, or hay in any barn or granary, or on any hovel stack or rick."—7 W. 3, c. 22, ss. 4 and 5. In the reign of Geo. IV., they proceeded further, and voted themselves the power of seizing and selling growing crops. In suggesting a revision of this legislation, we are starting no new crotchets of our own. We have no confidence in new crotchets, no matter by whom propounded. We believe with the wisest men of Greece, Italy, and England, that "the custom of making and unmaking laws is pernicious."\* We believe with Coke, and the Sage of Corinth, that old laws and new meats are best for us, and we share with the former in the spirit of the answer: "*nolumus leges Angliæ mutari quæ hactenus usitatæ sunt et approbatæ*:" as if they would have said, "we will not change the laws of England, for that they have been used and approved from time to time, by men of most singular wisdom, understanding, and experience:" and with him believe that, "as regards the principles and foundations of the common laws and customs of the realm, it is a political axiom ratified by use and experience, that the alteration of any one of them is most dangerous, for that which hath been refined and perfected by all the wisest men of past times, in a long succession of ages, and proved and approved by continual experience to be good and profitable for the commonwealth, cannot without great hazard and danger be altered."† The landlords themselves have been already, even on this subject, forced to confess practically the truth of this "political axiom," for the act allowing the seizure and sale of growing crops, was found to be so intolerably oppressive, that they them-

\* See Pref. 4. Rep. viii. &amp;c.

† Ib.

selves repealed it in 1847. The propriety of this latter measure was much canvassed last session, but not one witness (to the best of our recollection and belief) expressed an opinion unfavourable to it. Sir Edward Sugden said very decidedly, that it was "quite right." (Q. 510-13.) The master of the Rolls said :

"I am against the system of distraining growing crops ; I cannot say how it (the new Law) has worked, but at times there were very oppressive uses made of that power. It was very much the custom to place keepers on properties when the crop was getting ripe, and oppressive use was made of the power of distraining ; upon the whole, I am disposed to think that the law was rightly altered."—Q. 1260.

So far, therefore, this slight return to the common law meets with the approbation of these authorities. We only regret that they were not questioned respecting an entire abandonment of the new system. Master Brooke, who from his official experience, probably had a more intimate knowledge of the practical details of it than any other witness, and whose opinion therefore, was of the greatest importance, had his mind so deeply impressed with the evils of it, that on being asked whether "the shortening the period within which a distress might take place, would be in favour of the tenant," he replied: "My opinion would be to abolish distress altogether, as a remedy for rent. In Ireland it is the most vexatious and mischievous thing which it is possible to conceive." (Q. 364.) Professor Hancock was examined at some length on the subject, and his evidence is so important, that we lay it before our readers.

"10188. Have you considered, with regard to the law of distress, whether that is a power which ought to be continued to landlords ?—I have not considered it so fully that I would give a decided opinion upon the subject, but so far as I have investigated it, I am inclined to think that it would be better not to give them the power of distress.

"10189. Mr. *Bright*.] Do you think that the landlord would have an adequate security for his rent ?—I may mention that on well-managed estates in the north of Ireland, the practice is never to distrain ; the rent is recovered entirely by proceeding against the tenant's interest in the farm, and the rents are very punctually paid without exercising the law of distress, perhaps in one out of 100 cases.

"10190. Have not the Ulster proprietors property, that is the

tenant's interest in the farm, which they can come upon when a new tenant is proposed to the farm, which landlords in other parts of Ireland where the tenant right does not prevail have not, and therefore, are not the cases so different, that you cannot draw any comparison between the two?—I think they may be fairly compared, and we find that on very well-managed properties, the rent is punctually paid without the law of distress. That law cannot be absolutely necessary.

"10191. Is it your opinion that the law of distress makes it much more difficult for the tenant to borrow money for the cultivation of his farm, than if such a law did not exist?—Certainly it does.

"10192. Is that because it gives to the proprietor the right of payment from the assets of the tenant which his other creditors do not possess?—No other creditor can take any of the tenant's property in execution without setting off a year's rent, and I think that that is an encouragement to high nominal rents, which are not really collected.

10193. Major *Blackall*.] That is to say, if the landlord puts in his claim for a year's rent?—Of course.

10194. Mr. *Bright*.] In your opinion, would it tend to make the landlord more careful as to the solvency and character of his tenant, and as to the terms upon which he entered on his farm, if the law of distress did not exist?—Yes; I would sooner give the landlords more summary power of ejecting the tenants, and less power over their chattel property in the way of recovering rent."

Our readers must now confess that our proposition for the repeal or the suspension for a limited time of these statutes, is not so startling as they might have at first sight imagined.

As we have suggested a return to the usages of earlier times, so far as depriving landlords of the power of distress, and giving creditors a ready process for seizing and selling their lands, and as in the present state of the country they cannot be considered culpable in being unable to meet obligations contracted in a very different condition of society, we would suggest also a repeal of the statutes that allow imprisonment for debt. At the common law, no man could be imprisoned for debt at the suit of the subject. We stop not now to show that this was the true principle of public policy, but if it were right in early times, how much more so is it now, when all those who are not in the jail or the workhouse, have as much as they can do to keep on the outside of these establishments, and have not a shilling to spare for any purpose, and least of all,

for the maintenance of jails and jailors, in order to encourage reckless or fraudulent moneylenders, and when they must, if a man is imprisoned whose family depend on his labour for their bread, support that family during his incarceration? We cannot now afford to lose the services of one active and intelligent man, or to indulge in the luxury of jails, except for criminals; and those who buy not with promises, seek not their livelihood by usury, and peril not the interests of their families by improvident lendings, ought not to be taxed for the sake of those who do.

The subject of simplifying remedies against landowners, reminds us of the condition of the Protestant clergy. When we recently saw a manifesto signed by several of our representatives, suggestive of another agitation against them, we could not help thinking of the observation of that simple minded gentleman, Captain Dugald Dalgetty, respecting the conflicting war cries of the Great Rebellion: "good watchwords all—excellent watchwords—Whilk cause is best I cannot say. But sure am I, that I have fought knee deep in blood many a day, for one that was ten degrees worse than the worst of them all." Are we to be raised again by that cry, and to allow political adventurers to get rank and pay by leading us in such a senseless struggle? Till the question of self-preservation, the right to live upon our native soil, is settled, no *wise* friend will raise another watchword.\* When we are being cleared off

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\* Since the preceding observations went to press, we have seen, with regret, that the Repeal Association, the Irish Alliance, and we may add, the English popular party through Mr. Bright, have all declared in favour of some Anti-Church movement. To these various bodies we give credit for sincerity of kind intentions towards the people; but all that they have as yet urged has led us to make no other change in what we had written, than to prefix "*wise*" to "*friend*." Can it be wise to proclaim that our physical misery cannot be alleviated except through the destruction of the Established Church, and to rouse all the dormant bigotry of England on behalf of our landlords, and identify their powers of exaction with the existence of that institution? Ought we not to attack them where and as we find them, without treating them as the champions of the Establishment, encasing them carefully in its coat-armour, placing them behind its ramparts, and in its very citadel, and summoning to their aid by sound of trumpet all the fanatics of the empire? If, at a moment when we are quiet as half-starved lambs, and our wretchedness and ruin are exciting universal pity,

our own soil as vermin, at the rate of nearly half a million a-year by our landlords, are we to divert our attention from that life and death struggle, and raise, as we are being kicked off, an outcry against a few poor clergymen and their families, who are doing us no wrong—who are not taking a shilling from us—who are merely annuitants upon our enemies; who are not distraining, evicting, exterminating us; who, on the contrary, are all, with a few inconsiderable exceptions, using every effort to prevent and mitigate our sufferings and promote our advancement, and who are at last beginning apparently to think that acts of benevolence even to us, poor benighted Celts as we are, may not be unacceptable to heaven, that they have acted too long as mere chaplains to the military owners of the soil, and that they ought to assume the position and discharge the duties of Christian clergymen and Irishmen? Are not our foes numerous, and our friends few enough already? If we were to embark and succeed in such a warfare, we should only leave the soil the more effectually cleared of all claims to our exterminators, and put into their pockets the money that now goes to the support of upwards of 2200 clergymen and their families, and throw so many more penniless strugglers upon the resources of the country. Have we not paupers enough without adding more? Would it not be a most blessed contrivance, if we could by any means cast upon the landlords the support in respectability and comfort of some 2000 more families? We hear a great deal said about no revolution being worth a drop of blood. Is blood the only invaluable liquid? How do our political moralists estimate tear-drops? Is no account to be taken of the pangs of hunger, cold, misery, and shame, consequent upon

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an English Protestant audience can applaud the announcement that God has employed famine and pestilence to thin our numbers and spread the Gospel,\* what may we not expect if we engage in an open warfare with that institution, declaring its overthrow a necessary preliminary to peace?

\* The words of the Reverend gentleman, Dr. McNeile, were, "But God had thinned those millions. He believed that the decrease amounted since 1846, to at least 1500,000. Famine and pestilence had therefore done their work. Other causes co-operated to encourage the spread of the Gospel."—*Limerick Chronicle*, Dec. 1st, 1849.

depriving or even threatening to deprive, so many families of bread? Are his feelings to be envied who could contemplate unmoved, the cries of one starving child for bread, as the consequence of his machinations? We hope to live to see this country great, but it is not by paltry savings to be made through the infliction of unmerited wrong upon poor helpless individuals, that it can ever become so.

There is another light in which the question may be viewed. When a menagerie arrives in a town, do the inhabitants remove the keepers? The Protestant clergy are the only persons who are even supposed to have any mitigating influence over the landlords; and though their sermons are, for the most part, of the vague generalising class, that touch no man, and consequently improve no man; yet, we would rather educate than remove them, and rather put into their hands extracts from the bible, and from the sermons of the early English "Reformers," Latimer, Ridley, Jewel, Gilpin, Crowley, &c., &c., (the collection which we presented in a former number (26. art. 8.) would do for a beginning,) on the wickedness of oppressing and exterminating the poor, and wishing to live alone in the midst of the earth, than notices of ejection. It may be said that, as Catholics, we ought to be anxious for the overthrow of the Establishment. As Catholics, we may be anxious for the disappearance of error; but not for the overthrow of the Establishment, any more than of any other public institution, unless this were to effect that. A violent overthrow of that institution, instead of destroying protestantism, would give it a chance of prolonging its existence. The way to destroy it rightly is, to make the absurdity of the Establishment transparent;—to let it perish by a Euthanasia;—and to suffer no uncharitable feeling to mingle with its decadence. The present is not the time for settling the Church question. That time cannot be far distant; but whenever it comes, we hope it will be settled without bringing a tear to one eye, or a pang to one heart. For our own parts, we should settle it by a system of abolition, beginning with the poorest curacies and livings, and gradually advancing to the highest, but securing to every member of the Establishment his existing status, at the least, and promoting him regularly, according to seniority, as higher dignities and better livings became vacant, till the last survivor and only member

should be the primate. We must confess that we shall not be in a hurry to revise the theology of the landlords, till we shall have first revised their political economy, and replaced the "commonalty" of the United kingdom in the position which they occupied before the landlords effected the *Reformation*, first of the ancient franchise, and next of the ancient faith of these islands; for we are inclined to think that they may be as wrong in their theology as in everything else; as short sighted in their innovations respecting their eternal, as in those respecting their temporal, interests: and we do not at all concur in what appears to be their theory, that no one below a 40s. freeholder has a soul to be saved, or at least is entitled to a voice in the legislation which concerns it; and we conceive, with great deference to their judgment and sagacity, that the proper course to be pursued, is the reverse of theirs; namely, first to repeal their statutes in this behalf, and restore the common law franchise to "every inhabitant householder resiant,"\* and then to let the people choose between the old creed of their fathers, and the new creed of their landlords, or adopt any other novelty which they may fancy, and reform it from time to time, so as to keep it always fresh and new, in harmony with "the growing intelligence of the times," and the latest discoveries in physical science and biblical philology. They are at least just as likely to be right as their landlords. It is impossible that we, as Catholics, can fear the rivalry of "a local and temporary theology." We think, with some wise man, whose name we forget, that as God in his wisdom chooses to tolerate error, so should we; and we should try to eradicate it only by the means which He, by His own example, suggested: first opening the hearts of unbelievers by works of benevolence; and then mildly, and gently, and meekly teaching them the truth. Intolerance has been always the characteristic of the weak and the ignorant. Pious court mistresses could not conscientiously refrain from exterminating with the sword the Huguenot vagaries, which had been tolerated by Mazarin, and Richelieu. Protestants here and everywhere have been always the most unrelenting of persecutors. We are not to imitate them. Instead of persecuting, we should pity those in error, and in short treat weakly consciences that

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\* See this question considered, Art. 1., No. 19.

reject the Faith, as physicians treat weakly stomachs that reject roast beef. Above all, in the present frightful condition of the country, we should not complicate our woes with religious distractions; we should not, as Mr. Butt has well said in his admirable address to the electors of Cork, "re-enact the miserable scenes of the raft of the Medusa, or the besieged Jerusalem, and add to the miseries of famine and the evils of oppression, the worse and more fatal horrors of internal feuds!"

One further observation we would make to those M.P.'s who suggest this movement. So far as the tithes are concerned, the Protestant clergy are virtually annuitants on Protestant landlords; and so far the payment of their tithes does not concern the community. But they have, in addition to the tithes, about 760,000 acres of the best land in the country. Will those honourable members support, in the ensuing session, a proposition for granting fixity of tenure to the terre-tenants of those lands?

The condition of the Protestant clergy generally, throughout the country, is very pitiable. The rates take away at least one-third of their incomes; and they are frequently obliged to pay those before they receive these. Indeed, in many cases, they cannot get their incomes at all; and nothing is more common than to meet a poor clergyman with an arrear of two or three years' tithe rent charge due to him. But the reader will say, he has a ready remedy, why not enforce it? The remedy is, to apply to a court of equity for a receiver over the lands of defaulters, by which process, even if the lands are occupied by tenants who pay, he cannot, before the end of three years, at the very earliest, according to the evidence before the Committee on Receivers, touch a farthing; but if they are unoccupied and waste, he never can, while they so remain, get any thing.\* Such a remedy, in these fearful times, is a delusion. The proper course would be to substitute for a receiver a sale by the sheriff of the land in arrear.

This course would be preferable also, in case of the non-payment of drainage, land improvement, and other public loans to landed proprietors, to costly equity suits, and management by courts and receivers, and will, no doubt, be adopted whenever the taxpayers of the realm shall seriously insist on the recovery of these advances.

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\* See Mr. Lawson's evidence to this effect, ques. 9912—8.

The church establishment reminds us of another institution much more mischievous, the lord lieutenantcy. It costs the people of England about £30,699 a-year, (that is the sum voted this year,) and on that ground alone we hope they will abate the nuisance. Until it is abated there can be no hope for the country. It supplies the landlords with a court and cabinet, where they may successfully cabal against the interests of the rest of the community, and serves as a fulcrum wherewith they may apply all the powers of the state to effectuate their own objects, and prevent the application to us of the general law of the realm. It is the machinery by which the theory of Anglo-Saxon superiority is brought into practice. Through it is developed that high ethnological statesmanship, that appreciates to a shilling, the different amounts of pecuniary qualification required for Celt and Saxon parliamentary, municipal, and poor-rate electors, according to the nice shades of difference in their organisations, that discovers in the peculiarities of conformation and temperament, which are said unfortunately to distinguish us, the danger of allowing us to catch herrings with trammel nets, or salmon in the sea after sunrise, and, in short, adapts to us all those maxims reversed, those deviations from the general principles of the laws of all other countries and ages, which form the compound of "iniquitous legality" that crushes us. It is the political alembic through which "shave-beggar" secretaries distil all the good and wholesome laws and statutes of the realm, and applying the residuary dross to us, experimentalise on the strength and peculiarities of constitution necessary to resist the action of the poison. It is the means of depriving us of the protection, and refusing us the redress which would be afforded by a system of imperial government and legislation, and consigning us to the mismanagement of a faction. To it is attributable that established formula of cant, by which the vilest absurdities are perpetrated and justified, under the pretence that "the peculiar circumstances of Ireland are such, as to render inapplicable what would be right in any other country." We have not time or patience to enumerate a tithe of the evils arising from it, and will therefore proceed to address ourselves to a few of the objections which our own countrymen may urge against its abolition. It would injure Dublin. A visit from the queen once a year, would do more good to Dublin than five years vice-

royal pageantry. It would be much better for Dublin if the £30,699 annually voted for that office, were devoted directly and expressly to the encouragement of its drooping trades and manufactures, or to the encouragement of the trade of the country generally, or of the fisheries, or even to the enabling of farmers, shop-keepers, and other humble strugglers, to buy up small allotments of land on Thornton's plan. But even if Dublin were to be injured by the change; is the entire country to be ruined for Dublin? What claims has Dublin upon Ireland? From the earliest period of our annals, it has been the nest of every foreign foe. In modern times its citizens have been remarkable chiefly for supplying packed juries, to try those who loved the country "not wisely, but too well," and sending to parliament, as their representatives, the decided enemies of the mass of the community. It was not the representative of any English, Scotch, or Welsh constituency, that proposed the Gregory quarter-acre clause. Dublin has been, no doubt, the seat of divers debating societies, but it has never yet made an effort or a sacrifice for Ireland. It may suit gentlemen addressing a Dublin audience, to talk about a parliament in College-Green; but no man who has thought seriously on the subject of elevating the country from its abject misery, by repeal or revolution, can look to Dublin as the seat of government. Any amendment to be secured by either of these means, must be perpetuated by a seat of government not so conveniently situated for England. Limerick, Athlone, or some other inland place, hallowed by recollections of which men may be proud, probably crosses the visions of those who really dream about repeal and revolution; but not Dublin. This argument in favour of the Lord-Lieutenancy then fails; and what other pretence is there for it? Such a thing is not now necessary for Scotland or Wales. If an *imperium in imperio* be wrong anywhere, must it not be here? If it be absurd to restore the Heptarchy, so it must be to continue this duarchy. While there are two sets of officers, there will be two sets of principles for the government of the two countries. This has proved ruinous to us, and we cannot now stand it longer. Against it our fathers protested since the first connection of the two countries. What all the best and wisest amongst them ever sought, was a thorough amalgamation with, or entire separation from, England. No middle

course, they saw, could secure peace and prosperity to them. So all the wisest English statesmen, from Edward I. to William Pitt, aimed at thorough amalgamation, but the cliques and factions interested in the continuance of this viceregal abomination, always thwarted their efforts. Until this is abolished, it is in vain for those who wish well to the permanent peace and prosperity of the empire, to indulge the hope so well expressed by those legislators, whom the most eminent of modern statesmen is so anxious to copy, that the two countries "may grow into one nation, whereby there may be an utter oblivion and extinguishment of all past differences and discords betwixt them."<sup>\*</sup>

The Lord Lieutenancy being abolished, and with it the Board of Works, and all the other boards that are established here for the special benefit of the landlords, we think the Home Office could do the additional work with the help of a few more junior clerks. Not one of those at the Castle would we send over, as he would be sure to perpetuate the traditions of mismanagement—nor would we dismiss one of them, as we do not think it right that the country, after it has employed a man in its service under an implied promise that the employment shall continue as long as he performs his duty, and so diverted him from some other and probably better pursuit, should suddenly cast him off. The employment we should assign them, would be to aid in the establishment and management of county registries. The Law Reformers of both countries recommend such registries as the readiest means of simplifying the transfer of land. The political economists of T.C.D. suggest the Ordnance Survey as the basis of a system of registration.† Some such system will be absolutely necessary, if our proposals for the speedy sale of land for rates, tithes, and debts, should be adopted. Experience shews that the smaller the district is to which each local register extends, the better it answers the ends of its institution. Copyhold titles are said to be the easiest of proof and transfer, from being dependant solely on the records of each manor Court. A county registry we

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\* 11, 12, and 13, Jac. 1. c. 5.

† See Evidence of Longfield, Lawson, and Hancock, ques. 9273-4-5, 9686-7, 9820-30, 10005.

should think sufficient here; and the present host of Castle clerks, with some slight assistance, quite sufficient to work out the system.

The length of detail into which we have been led on the preceding topics, prevents us on this occasion from dwelling on many others of great practical importance. But we cannot conclude without pointing out a grave error which our countrymen are committing in their political struggles, and that is, they are mistaking their friends for their enemies. These are their landlord rulers, and their friends are the people of England. It is a positive waste of hatred to direct it against these. They gain nothing by our misery; on the contrary, they pay dearly for it. For their own sakes they would stop it at once, if they were shown the way how to do so. But instead of seeking their aid, and pointing out specifically the practical source of our sufferings, we indulge in general declamation against them, and do all we can to alienate them from us, and to make them believe that we are dishonest, idle knaves, and dare not descend into the particulars of our wrongs. The most common notion amongst them is, that they have given us their institutions, and that these are not fitted for us. Why not point out to them that they have not given one in its entirety, but just so much of each as suits the views of our landlords? We know the people of England well; and we believe that if one millionth part of the pains taken to rouse our countrymen to a dislike and distrust of them, were expended in bringing before them, in plain and simple English, the actual sources of our sufferings, these would be soon redressed. It is positively ludicrous to charge our wrongs on them, and to fancy that we suffer because we are supposed to be Celts and they are supposed to be Saxons. These are mere pretences—mere “words by cunning caught and spread” by those who fancy they profit by class legislation, and who substitute these mysterious ethnological terms for the more homely and intelligible “landlord” and “tenant.” Who are the people of the two countries? Here Celts, Milesians, Danes, and Normans are thoroughly blended together, and form one compact mass, never thinking of their primary ethnological developments. These four races form the vast majority of the inhabitants of Great Britain. The people of Wales, Cornwall, and of parts of Somersetshire and Devonshire are purely Celtic.

The latter used to be designated by the early English Chroniclers, "the Irish of the West."\* A great part of the north of England was colonised by Irish in the 6th and 7th centuries; and there, as in Cornwall, you meet to the present day families with Irish names, who have no tradition of their first arrival. The tide of immigration has been steadily pouring from this country into England for the last 300 years. The Highlanders of Scotland are comparatively near relations, and still speak our tongue so that we can understand them. Then do not these, with Danes and Normans, form the vast preponderance of the inhabitants of Great Britain? We, consequently, that is to say, Celts, Milesians, Danes, and Normans, form the majority of the population of these islands; and there is nothing in the intellectual capacity of the Anglo-Saxons, to compensate for their want of numbers. The inhabitants of the country which is supposed to have retained Saxon characteristics in their greatest purity and strength, are known to the rest of their countrymen as "Essex calves." Who have been the rulers, statesmen, orators, divines, lawyers, generals, poets, historians, and artists of England? Have they not been almost without an exception Normans, Danes, Celts, and Milesians? We have no wish to run down the Anglo-Saxon; we only want to prevent merciless landlords, and their aiders and abettors, from making the pretence of his super-Caucasian pre-eminence a means of creating discord between the inhabitants of the two countries, and thereby inducing those of Great Britain to tolerate and aid them in robbing and degrading us.

We, therefore, suffer not from the distinctions of Celt and Saxon, but from those of tenant and landlord. But we are not peculiar in our sufferings. The whole body politic of the empire has been suffering since the reign of Henry VI., from class legislation as a constitutional disease, and as this country is the weakest part, it has here developed itself with the greatest virulence, and become localized. Every one of the ills we suffer, is suffered, or has been suffered, in a greater or less degree, by the other parts of the empire. The landlords are exterminating our small farmers. So they have exterminated the small farmers of England and Scotland. Numbers of

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\* See Mac Cabe's History of England—passim.

our poor have been shot or transported on the most trivial pretences; so have numbers of the poor in England and Scotland. Henry VIII. hanged 72000 of his beloved subjects. Queen Elizabeth hanged them at the rate of 500 a-year; and whenever, in her time, the beggars became too numerous or importunate about the metropolis, they were hanged by hundreds, without any unnecessary ceremony. In a former number we collected several of the English enactments for imprisoning, branding, chaining, transporting, hanging, and otherwise treating paupers as felons. The last number of the quarterly exponent of Whig principles, places felons and paupers in the same category. In short, the poor of England owe as little to a parliament of landlords, as the poor of this or of any other country; and, consequently, the great cry of the humble and middle classes of England now is, that they have been sacrificed too much to the interests of the great accumulators of land and money, and that the power of legislation ought to be no longer vested exclusively in these. Our true policy, therefore, is to combine with them for the attainment of measures which would restore to both islands some portion of the prosperity which they once enjoyed; in short, to enter into an alliance, offensive and defensive, with them, against the common enemy, and try to restore the feeling of the olden time, when our fathers and theirs, the Scots and Picts, were always found under one banner. In more recent times, our fathers did not avail themselves of some fair opportunities of combining successfully with theirs. Let us not repeat those errors, but unite thoroughly and heartily with them, treating them as friends and kinsmen, and securing them as allies. It is, in fact, to them and their representatives, that we are indebted for every rational effort made for our immediate relief during these few past years. What are the names most commonly associated in men's mouths with the regeneration of our poor? Is it not those of English representatives, — Poulett Scrope, Sharman Crawford, Bright, &c., &c.? Look to the labours of our own representatives during these years. While we have been in the throes of extinction by famine, what have they done? What measure for our immediate good has one of them proposed? Have they in any way attempted to modify our landlord statutes relating to the occupation of the soil? When English political economists have been suggesting

the expenditure of some of the relief funds in the location of the poor on our wastes, have they once seconded their efforts? Have they proposed anything for the benefit of tenants? In short, have they done anything that was not worthy of them as landlord legislators, and upholders of landlord prerogatives and usurpations? What was their conduct during this last session? If they did not propound measures did they even ask questions of the witnesses examined in the several committees on the topics which interest the people? We confess, that from the manly, humane, kindly, and rational views expressed by Sir Edward Sugden, the Master of the Rolls, Master Brooke, Mr. Hamilton, Mr. Hickey, the four professors of Political Economy in T. C. D., and almost every other witness whose engrossing thoughts were not those of a landlord, with regard to the laws respecting the occupation and ownership of the soil, we entertain strong hopes of soon seeing common sense acquiring some influence over our legislation. But though it was obvious that several of these witnesses might have been easily led to pronounce opinions in favour of fixity of tenure, the location of the poor on wastes, the restraint of landlord authority, &c., &c., there was no Irish member in any of the committees to put a question on these subjects. But to be still more particular, take their conduct on the Fishery Laws, passed within the last seven years, for repealing the great Charter, and every other statute that protected the rights of the people in the tidal and navigable waters in and around the island, and vesting the exclusive fishery of them in the landlords.

As it may have been thought that our denunciations of these statutes were in excess of their iniquity, let the reader hear the evidence of gentlemen whose sympathies might well be supposed to be with the aristocratic—no, that is not the word—the geocratic oppressors of the poor. The Rev. Mr. Alcock, the Protestant vicar of Ring, a fishing village in the county of Waterford, writes thus, in 1847, to the members of the Friends Auxiliary Relief Association, in Waterford. Amongst the difficulties the poor villagers have to struggle with, he says:

“The first is, the restrictions against the use of the trammel-nets. This is a mode of fishing, which has been carried on with very great success for a considerable number of years in this locality, and is of all others, the most remunerative to the fishermen.

The take of hake after the night in each boat often varying from 500 to 1,000 fish. And it is peculiarly adapted to the small boats used here, for the owners can set their nets on the fishing ground, and should the weather threaten to be unfavourable, they return to the shore, and subsequently avail themselves of the first favourable moment, when the wind abates, to repair to their nets, remove the fish therefrom, and thus supply the markets, when the larger boats are weather-bound in harbour. But by a recent enactment of the Legislature, these trammel-nets cannot be set until after sunset, and must be taken up the following morning before sun-rise. Now, when we take into account the loss of time in setting these nets and the shortness of the night in summer, you will perceive that the restriction to which I have referred, almost amounts to a total prohibition; while in winter, the darkness sets in so soon after the sun sinks below the horizon, that the difficulty of returning to the shore in open boats, particularly in rough weather, almost deters the fisherman altogether from the use of the trammel-net. If then the Board of Fisheries could be induced to sanction such a relaxation of the laws, as would allow more latitude to the class of fishermen whom I have mentioned, or would mark out a particular part of the coast at each station, between certain limits, for the use of such nets, thus doing away with monopoly, and admitting free trade in fishing as in grain, I have no doubt but they would confer a great benefit not only on the fishermen but on the community at large."

In 1848 he writes again to them:

"Is it not a strange anomaly in our Irish code of laws, that in a year of famine there should be restrictions against the free use of such nets, founded, perhaps, on a wild fancy of imagination, while they are permitted in England and Scotland? Are we protecting the fish for generations yet unborn at the expense of our famishing poor?"

In January 1849, he expresses a hope that all parties will come forward to memorial the Board of fisheries, "to do away with restrictions altogether, and leave the poor fishermen at liberty to earn a livelihood by day as well as by night." We have mentioned these restrictions to English gentlemen, liberal enlightened men, and they laughed outright at the notion of such laws being enforced, and hinted that our Celtic imaginations dwelt on ideal grievances. The Rev. Mr. Alcock says:

"Before concluding this Report, I may here mention that the nets of several of our fishermen, to whom we had advanced loans, were illegally seized in the early part of the season, and detained; the consequence has been that these poor persons have lost all the

benefit which otherwise would have been derived from them. Under these circumstances, and with the approval of your Secretary, I was induced, in some few instances, to forego my claim upon the sufferers for repayment. Some of those nets, it is true, have since been restored by an order from the Board of Fisheries, but in such a tattered condition that most of them are rendered useless. However, I am happy to say that notwithstanding such oppressive treatment, all our able-bodied fishermen continue actively employed, and contrive not only to keep themselves aloof from the workhouse, but to assist many of their less fortunate neighbours."

As a proof of the "great and progressive prosperity of the little community," he mentions the interesting fact:

"Viz., that the Ring fishermen, after supplying the wants of their families, and redeeming much of their clothing, furniture, and fishing gear, from the pawn-office, had at that moment in their houses, reserved for the spring market, from £1,500 to £2,000 worth of cured fish, which had all been caught with the trammel-net.

"Yes, gentlemen, upwards of £1,500 worth of fish in two small hamlets, where the great majority of the inhabitants, only 18 months before, were depending upon the bounty of others for the bare necessities of life, and had neither nets nor lines, nor the means of procuring them."\*

What a practical commentary upon the calumny of the political economist, who places foremost in the class of those "destitute through their own fault," "the Irish fisherman who burns his boats for firewood, and pawns his nets instead of using them to fish with!" † The Friends' Committee apply to the fishery Board, on behalf of the obnoxious net, which they say, "is cheap in construction, inexpensive in working, and takes a large quantity of fish," but "not even the slightest relaxation" is granted; and therefore, they express a hope that the perusal of their reports, "may arrest the attention of some influential member of the Legislature, and promote the speedy removal of the prejudicial and impolitic restrictions which debar the poor Irish fishermen from the free use and consequent advantages of the valuable kinds of net which are in profitable and unrestrained operation in England and elsewhere."—*Ib.* pp. 90-91.

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\* Appendix to Lords' Report, p. 96 to 109.

† *Edinb. Rev.* October, 1849. Article, Unsound Social Economy, p. 511.

We had been for several years calling attention to this and other enormities of these statutes; the country had been complaining of them, hundreds of poor men had been fined, plundered, and imprisoned, for alleged violations of them. Instead of our liberal representatives seeking a repeal or mitigation of them, successive measures were passed in these years of famine, each more restrictive than its predecessors of the public rights, until at last the landlords had the police and coast guards converted into water-bailiffs, in order to prevent any man not licensed by a landlord, from fishing in or around the island; and thus more effectually secure to them, what landlords never had before in this or any other part of creation. When we saw an order from Col. McGregor, to the police force, on the subject of these laws during the last summer, at a moment when complaints of famine were ringing in our ears from all quarters, we confess we could not but think of the irreverent gloss of the Spanish Ambassador, that when the devil tempted our blessed Redeemer with an offer of the kingdoms of the earth, he put his thumb upon Ireland in order to keep it to himself. Notwithstanding, as we were saying, the grievous oppression of these laws, especially in these years of famine, not one of our genuine Irish representatives interfered, till at last an English gentleman who represents one of our seaports, and knows the law of England and Ireland, is struck with this monstrous abuse—gets a Committee to enquire into it, calls as witnesses, men of the highest mark in the country, Lord Glengal, the Earl of Mountcashel, Sir Richard De Burgho, and several others, who denounce it as opposed to the common law and the Great Charter, and as most unjust and oppressive to the poor. Mr. Sergeant Allen, an eminent member of the Bar of England, who had several years back been through the country on a fishing tour, denounced these laws in the most indignant manner, as a fraud upon the legislature and the community, and such as no man would ever dare to propose for England. "Although," said the learned Sergeant, "it is presumed that every man knows the law, yet no man would suppose such a law as this, having never heard of such a law in any other country." (Q. 4914.) Sir Richard De Burgho stated, that the quantity of fish taken two years ago in all Ireland was £300,000; and that if, by the abolition of the privileges created by these enactments, the inland fisheries were made as productive

as nature intended them to be, the annual value of them would be raised to £2,000,000, besides promoting and giving a great impulse to the deep sea fisheries.\* “The Act of 1842,” he says, “allows stake weirs to be erected, where they could not be erected before, with the consent of the owner of the adjoining land; and for this consent they in every instance require a rent:” and he names a number of high, and some of them titled personages, as having recently set up, or let, or consented to the setting up of, “weirs down the Shannon, in that part which was covered by the claim of the old corporation (of Limerick), down to 1841,” but which is now claimed by these gentlemen, the corporation having been unable to support its pretensions in a court of law against the rights of the public. (Q. 1579, 1588-9-90, 1811.) These laws give more rent to the landlords. That, we confess, is a great argument in their favour: yet, no man had come before the committee to defend or excuse them. The committee consisted of twenty-one members, of whom sixteen represented Irish constituencies, and ten were pledged to repeal. Mr. Anstey, the chairman, an Englishman, be it recollected, and a barrister, proposed a set of resolutions, with a view to assimilate in practice the law of this country to that of England. The first declared, “that the right of fishing in the navigable rivers of Ireland is a common right, vested in, and exerciseable by, all her Majesty’s lieges, and that no several or exclusive right derogatory thereto can exist, unless created by act of Parliament, or guaranteed on prescription or charter anterior to the first year of Richard the First.” And this was negatived without a division, not a single member, not one of the nine repealers, supporting it. We should have deemed them perfectly justified if the government were opposed to the chairman’s view: but the government, on the contrary, were, and are, in its favour. The matter, then, stands thus:—These laws recently devised, take from the people their common law right of fishing in the seas, and other tidal and navigable waters of the island, and vest them in the landlords, and so enable these to increase their rentals. An Englishman obtains a committee to consider the subject and examine witnesses; and when he proposes a resolution in conformity with all the evidence

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\* Q. 1555, 1593, 1618.

declaratory of the undoubted, undisputed common law rights of the people against the new landlord source of exaction, and, above all, is understood to have the support of the government, not one of the other fifteen Irish members, not one of the nine repealers, supports him. On a purely landlord and people question with the government in favour of the people, not an Irishman can be found in the committee to record a vote for the Englishman's proposition in their behalf.

Seeing, then, that these are the consequences of allowing their representatives to devote themselves too exclusively to the contemplation of repeal—a subject, we admit, of great interest and attraction, as to it, no doubt, “distance lends enchantment”—the people should, as they know that that measure cannot be carried for at least another year, and that in the meantime they must live—either on the produce of their own industry, or on English alms—or die, beg of those gentlemen to abandon that all-engrossing topic for the next six months, and in the meantime to give them a foretaste of the legislation which they would pursue in College Green, untrammelled by Saxon opposition, by propounding to the Imperial Parliament the measures which they think necessary, leaving to it the discredit of their rejection, and securing for themselves a world wide and sempiternal fame; and in order to set them a good example, and stimulate them to exertion, let the people themselves begin to think and debate about their real immediate wants, and first of all, about the best and readiest mode of obtaining a repeal of those statutes, that leave them a lesser and more precarious interest in the welfare of their country than is possessed by any other people upon earth, that allow their landlords to refuse them—as an English gentleman has so well expressed it—standing room on their own soil, and to sweep them off as vermin—and that, in short, as we have so often said, place them wholly at their mercy, and prevent them from tilling the surface of their own island, searching for the minerals in its bowels, or fishing in the waters that wash its shores. When we shall see them turning their attention to questions of immediate practical utility like these, and putting their own shoulders to their own wheel, instead of praying to domestic and foreign divinities for assistance, then may we expect the realisation of the moral of the fable, and the speedy fulfilment of the prophecy that tells us, that our

wrongs shall be redressed by degrees, “*ἡ δὲ ἡμετέρα πατρίς* coil” \*—then may we become enthusiastic in behalf of our wretched country—and with a great enthusiast, whose visions under somewhat similar circumstances were realised, fancy that we see “a noble and puissant nation, rousing herself as a strong man after sleep, and shaking her invincible locks; as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam; purging and unscaling her long abused sight at the fountain itself of heavenly radiance, while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means.”

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ART. IV.—“*Presbytery Examined.*” *An Essay, Critical and Historical, on the Ecclesiastical History of Scotland since the Reformation.* By THE DUKE OF ARGYLL. 8vo. London, Moxon, 1849.

THE Scotch have always been a polemical people. Take away the theological element from the history of Scotland since the Reformation, and you deprive it of half its interest and all its significancy. There is no relation of life, public or private, into which it has not entered. There is no class with which it does not seem to have formed, ostensibly at least, a leading motive of action. No distinction of age or of sex, of class or condition, can be recognized among its votaries; nor is there any conceivable form of weapon which has not been pressed into its service, from the broad-sword and battle-axe, down to the now famous “three-legged stool” of Mistress Janet Geddes, the Palladium of Presbyterianism in Scotland.

Nevertheless, even with the knowledge of this national peculiarity, it is difficult to repress a certain amount of surprise at the appearance of such a work as that which stands at the head of these pages. An abstruse theological question could hardly be supposed to possess much attraction for a young nobleman, just entering into public

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\* “As you would cut down a wood.”

life, commanding, even at the commencement of his career, a prominent and important position, and evincing, both in and out of Parliament, a lively and active interest in the many political and social topics, which, of late years, have engaged so much of public attention. The Duke of Argyll, however, appears to have inherited, in their full vigour, the polemical tastes by which his ancestors have commonly been characterized. In the earlier proceedings of the Free-Church controversy, he took a warm and active part; and even before he had attained his majority, he published one of the most remarkable pamphlets which were elicited in the course of the discussion. His "*Letter to the Peers, from a Peer's son*," was a performance of no ordinary literary merit; and the vigour, the energy, and, occasionally, the brilliancy, which it displayed, were hailed by the party with whom he then acted, as an evidence that the hereditary principles of his house had descended upon him in their full integrity; and that, in conformity with the new spirit of the age, the "guid auld cause" might reckon upon as able and unflinching service from his pen, as it had ever received from the sword of his forefathers.

His Grace, however, has had an early lesson upon the instability of popular favour. The hopes which these precocious merits of the "*Letter to the Peers*" had created, have been well-nigh swamped by the "*Essay on the Ecclesiastical History of Scotland*." The chosen champion of religious freedom, is now, by his late admirers, regarded as little better than a concealed Erastian; and those who were loudest in their exultation over the promised fidelity of this descendant of the olden confessors of the kirk, now openly avow their conviction that before long, in accordance with the tendency of his entire order, his Grace will be found to lapse into the Established Church of England.\*

With the special controversy which still agitates the Church of Scotland, we do not mean for the present to take much concern. Our readers are already in possession of the general principles upon which it turns, and of the leading facts in the only part of its history which is really important. But the Duke of Argyll's *Essay*, although elicited by this controversy, is too important, for its own sake, to be dealt with as a purely partisan publica-

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\* North British Review, XX., p. 446.

tion; and we shall endeavour to treat it, in the first place, rather as an independent work, than as a controversial exposition of the author's views on the Free-Church question, or a vindication of the seemingly inconsistent course which he has himself thought fit to pursue regarding it. Of the latter points, however, we shall have to say a few words before we close.

The Essay appears to have grown out of an intended review of one of the publications of the Spottiswoode Society,—Bishop Sage's "*Presbytery Examined.*" The Spottiswoode Society is a literary association of Scottish Episcopalians, for the purpose of illustrating the history and antiquity of the Episcopal Church of Scotland. It was an emanation of the same High Church revival, which, in England, led to the Tractarian movement with all its numberless inferior organizations; and it is well observed by the Duke of Argyll, that the name selected for the society is a sufficient indication of its spirit and its principles. It is "that of a man who was first a Presbyterian minister; who was next—a thing for which there is no name except in Scotland, where it was called—a Tulchan;" who was, thirdly, a duly consecrated Archbishop of St. Andrew's; who was, fourthly, an agent of Charles I.

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\* "James the Sixth's pretended bishops were, by the Scotch people, devisedly called 'Tulchan Bishops.' Did the reader ever see, or fancy in his mind, a Tulchan? Tulchan is, or rather was—for the thing is long since obsolete—a calf-skin stuffed into the rude similitude of a calf;—similar enough to deceive the imperfect perceptive organs of a cow. At milking time the Tulchan, with head duly bent, was set as if to suck; the fond cow, looking round, fancied that the calf was busy, and that all was right, and so gave her milk freely, which the cunning maid was streaming in white abundance into her pail, all the while. The Scotch milkmaid in those days cried, 'where is the Tulchan—is the Tulchan ready?' So of the Bishops. Scotch lairds were eager enough to milk the *Churchlands and titles*,—to get the rents out of them freely, which was not always easy. They were glad to construct a *Form of Bishops* to please the King, and the Church, and make the milk come without disturbance. The reader now knows what a 'Tulchan Bishop' was—a piece of mechanism constructed, not without difficulty, in Parliament and Kings' Councils among the Scotch, and torn asunder afterwards with dreadful clamour, and scattered to the four winds, so soon as the cow became awake to it."—Preface p. xiii. xiv.

in his famous follies in Scotland about a Liturgy; and who, lastly, was expelled from his native country, amidst the shouts of its people, as one of the chief of its oppressors." In his Grace's controversy with the Spottiswoode authors, we must acknowledge, that, slight as are our grounds of sympathy with Presbyterianism, he carries with him at least our sympathies, if not our judgment. Scarcely excepting our own monstrous anomaly—the Irish Established Church—we regard the Scottish Episcopal Church, both historically and theoretically, as one of the most indefensible institutions which the world has ever seen; and we cordially enter into the spirit with which his Grace makes merry over the puerile assumption by which the Spottiswoode gentlemen, in maintenance of their exclusive title to membership of the "Catholic Church" in Scotland, will never accord to their Presbyterian countrymen any higher title than that of "the Kirk," or "the form of schism established in Scotland."

The original purpose of the Essay, therefore, appears to have been a summary of the history of Episcopacy in Scotland since the Reformation, with the view of demonstrating the utter groundlessness of its modern pretensions, and the indefeasible claims of Presbyterianism upon the hearts of the Scottish people. In the progress of the work, however, the author conceived the design of rendering the same view of the history available as an exposition and vindication of the principles which he holds in relation to the late Free-Church secession. The Essay, therefore, is divided into two parts. The former of these is by far the more interesting. It is mainly historical; and although it makes no pretension to research or originality, and indeed contains no new facts which had escaped the notice of former historians, it is, nevertheless, a clear, orderly, and in many respects brilliant, sketch of the history of that great religious struggle by which the abolition of the Catholic religion in Scotland was succeeded.

We cannot help regretting the Duke's selection of a starting-point. He does not enter at all into the history of the first great change itself—the first commencements of the Reformation in Scotland. Of his own opinions regarding Rome he makes no secret. He looks upon the Romish faith as "full of great corruptions" (p. 32): the sacrifice of the Mass he considers a "manifest perversion;" the same he holds of the "Invocation of Saints,"

and the "*Adoration of the Virgin*" (p. 33); and the withholding of one element in the Communion from the laity," the "claims of the Papal court, the Papal councils, and the Papal Church," he discards as "enormous and preposterous." (ib.) But, although he gives a brief summary of the political changes, both in foreign and domestic relations, which occurred in Scotland during the second quarter of the sixteenth century, and of the new combinations of religious interests, which these changes produced, he tells nothing of the means by which the great religious revolution was effected, and the opinions which he thus reprobates were dislodged from their hold upon the people. The Reformation in Scotland, we have always thought, is one of the most extraordinary chapters in the history of the Church, and one which still remains in great part unwritten. Tytler's account is meagre and uncircumstantial, and the declamatory tirades of the Calvinistic writers cannot be said to merit the name of history at all. The materials, though far from complete, are, nevertheless, such as to deserve re-examination, and we hardly know any subject more worthy the attention of a dispassionate and philosophical enquirer.

As the immediate object of the Duke's Essay, therefore, is the struggle of the two principles of Prelacy and Presbytery, it was scarcely to be expected that he should dwell upon any preliminary enquiry. And, we must add, we cannot help applauding the candour with which, in relating the first public and authoritative abolition of Popery, his Grace freely admits the fact "which Presbyterian writers are not always inclined to mention," viz. that "the penalties prescribed against the celebration (he should have added also the hearing) of Mass, included in the last instance, the punishment of death." M'Crie, in his biography of Knox, slurs it over with the vague designation of "certain penalties;" but Tytler, with his characteristic candour, states it distinctly, and without reserve.\*

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\* There were three acts passed in this first year of the triumph of the Reformation in Scotland. The first abolished the Papal supremacy in the kingdom: the second repealed all previous acts, in favour of Popery; the third enacted, that any person hearing or saying mass, should suffer, for the first offence, confiscation of his property; for the second, banishment; and for the third, death.—Tytler, vi. 215.

The Duke indignantly reprobates the weak and dishonest policy in which this *suppressio veri* originates. But with all his candour, he has, unhappily, fallen into an almost equally strange misstatement.

"This is weakness; we all know that the principles of religious toleration are of much later date than that at which we are now arrived. We know, that the men who took their seats in the Parliament House of Edinburgh, on the 1st of August, 1560, had, many of them, perhaps most of them, seen in their own days the most cruel persecutions not only threatened, but practised, against those who denied Henry VIII.'s supremacy in England; and only a few years before, the most eminent prelates and statesmen of that Reformed Church committing to the stake those whom they considered heretics. It is astonishing, indeed, that the Parliament of Scotland could venture on proscribing so entirely a religion of which their Sovereign was a professed adherent; but perhaps it may be safely said, that they had more excuse than those in England, to whom we have just alluded. They had themselves just escaped from a fiery trial: they had seen some of the holiest and the best among them burned alive, by men, whom, both morally and intellectually, they necessarily despised, and whose hoods and stoles did not prevent their appearing, to the Reformed, rather ministers of Satan's synagogue, than of that holy Church, which is the 'pillar and ground of the Truth.' Finally, their minds were filled with horror of the Mass as direct idolatry, and applied to their own times and circumstances the ancient denunciations of the prophets of Israel against those who suffered the 'land to be defiled.' *It is to be observed, too, that the penalty was never enforced. We are not aware of any instance in which a single individual suffered death in Scotland for the sake of his opinions.*"—pp. 23, 24.

Unfortunately his Grace is grievously mistaken in the assumption which we have marked by italics in the above extract. The penalties of this statute were over and over again enforced, and enforced in circumstances of great cruelty. Laymen, as well as priests, fell under its operation; and although, in comparison with the wholesale butcheries of England, Scottish history supplies but few examples of the enforcement of the extreme penalty, yet even the scanty records which have been preserved, sufficiently attest the zeal and perseverance with which this obnoxious enactment was put in execution. In October, 1614, Father John Ogilvie, a Jesuit priest, was arrested in Glasgow, together with several others, on the charge of celebrating mass. He was sent to Edinburgh for examination before the Supreme Council, and thence remanded

to Glasgow; where, after many cruelties, he was executed on the 10th of March, 1615.\* Another member of the same Order, Father Moffat, was arrested in the archiepiscopal city of St. Andrew's about the same time; the archbishop's eldest son not thinking it beneath his dignity to head the party which arrested and escorted him to Edinburgh. He was detained for several months, repeatedly examined, threatened with the torture of the boots, and eventually sentenced to be hanged. The penalty, however, was commuted into perpetual banishment, with a provision that the sentence of death should remain in force, if, at any future period, he attempted to return to Scotland. † Three laymen, William Sinclair, advocate, Robert Wilkie, embroiderer, and Robert Cruikshanks, stabler, were arrested at the same time, upon the charge of assisting at masses, and sheltering priests. Sentence of death was pronounced upon these also; and the terror of its enforcement was kept up till the very hour fixed for their execution, when at the very gallows foot, it was, in like manner, commuted into perpetual banishment. Two secular priests, Andrew Crichton and Roger Lindsay, had been similarly dealt with a few years before, in 1610. ‡ Father John Robertson was twice imprisoned under the same statute, first in 1628, and again, after many remarkable adventures, in 1644. Father James Innes, at a later period, (1686), was twice thrown into prison, and at last sentenced to perpetual exile. Father Andrew Lesley was arrested at Aberdeen, in May, 1647, and subjected to the greatest cruelties during an entire year. His sentence, at the petition of the French ambassador, was commuted, in July, 1648, into that of perpetual banishment. A most interesting letter written by him March 27, 1648, from the prison in Edinburgh, to which he had been transferred, and detailing the wretched condition of catholics in Scotland, is preserved by Dr. Oliver. § His account is confirmed by numberless contemporary remains. Father William Lesley, in a letter dated September 1, 1630, states, that "the catholics who in the preceding July had appeared before the Council, had all, without exception,

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\* Oliver's Collections, p. 34.

† Ibid, p. 33.

‡ Ibid, p. 16.

§ Collections, p. 25.

women and men, been sentenced to perpetual banishment. Seven weeks were allowed them to prepare for their departure; one-third of their rents was allowed for the maintenance of their families, which third, however, was declared forfeited, should they venture to return, besides the penalty to be incurred of fine and perpetual imprisonment." In 1640, these provisions were still more stringently enforced. Father Mambrecht writes, (Dec. 17, 1640), that "several catholics had offered three-fourths of their properties, provided they might keep the remaining fourth for the maintenance of themselves and theirs, and had been refused." Orders had been issued, prohibiting "all dealing, either in buying or selling, with Catholics throughout Scotland;" and it was openly vaunted that, before the end of a year, "not a Catholic should be left in the kingdom." In the month of June, 1641, this father was the only priest left in the entire south of Scotland; and even he was in daily and hourly apprehension of being arrested.\* In the August of the following year, he wrote to the same effect. "*Solus ego modo in his meridionalibus partibus relictus sum.*" So strict and so effective was the system of surveillance, that, for two whole years, as appears from a letter of his, written in 1646, he had not been able to communicate, even in writing, with his brethren in the north.† In 1652 he himself, as he had long anticipated, was arrested, thrown into prison, and condemned to death. The sentence, however, was changed to perpetual banishment.‡ His relative, John Mambrecht, father of the same society, was apprehended at Dundee by the Bishop of Brechin, in 1626. He was committed to the gaol of Edinburgh; and, after a severe examination, sentenced to be executed. The warrant received the royal signature; but, at the intercession of the Queen and the Countess of Buckingham, it was withdrawn. The account which is preserved of his imprisonment will give some idea of the cruelties to which the Catholic prisoners in those times were subjected. No friend was allowed to visit him; he was interdicted the use of pen and paper; his gloomy cell scarce afforded him light to read his Breviary; twice in the twenty-four hours

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\* See his Letter in Dr. Oliver's Collection, p. 29.

† Collections, p. 28.

‡ Thurloe Papers, vol. i, 588-9. Oliver's Collections, p. 30.

the turnkey brought a scanty supply of coarse food ; and the many hardships to which he was subjected brought on a tedious and dangerous illness, so that it was a long time before he had so far recovered his wasted strength, as to be able to endure the fatigue of removal from prison, much less the transportation to which he had been condemned.

Nor is it to be supposed that these cruelties were confined to the period from which the above instances have been selected. In the beginning of the next century, the Jesuit Father, James Fife, was apprehended under the statute of 1560, and sentenced to perpetual exile. John Farquarson, a member of the same order, was arrested in the act of saying mass, in 1745, and carried prisoner to Edinburgh in his sacerdotal vestments ; and Father Alexander Gordon was apprehended at Inverness for the same offence, and detained in custody till he fell a victim to the rigour of his imprisonment, in 1746. Two other priests, Mr. Grant and Mr. Gordon, were arrested, and the latter banished in 1751. Robert Maitland was tried on the same charge, and the vicar apostolic of the Highlands, who had been obliged to fly to France, no sooner ventured to return, than he was apprehended in Edinburgh, and thrown into prison.\*

These examples have been selected at random from the meagre and imperfect records of a single society—the devoted order of the Jesuits, whose glory it has ever been to occupy the outposts of the faith, and to lead the forlorn hope of the Church without fee and without reward. We have not thought it necessary to enter into the history of the missionary secular priests, or of the members of the other orders in Scotland, as the Franciscans, Benedictines, or Trinitarians. What we have said will suffice to determine whether it is true that the statutes of 1560, with their provisions of confiscation, banishment, and death, were suffered to remain a dead letter ; and, perhaps, on the whole, it may well be doubted, whether it was not more prudent than the Duke would seem to admit, on the part of the “presbyterian writers,” to keep the statute of 1560 and its penalties as much as possible in the back ground. Certainly the commentary upon that statute, which is supplied by the history of the Catholics of Scotland during the 17th and 18th centuries, though not as bloody as that of Eng-

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\* Butler's Memoirs, iv. 89.

land, is far from creditable to the tolerant principles of presbytery.

Indeed, the Duke would appear to be singularly blind to the true character of Calvinism, as regards religious toleration. In his elaborate sketch of the character of Andrew Melville, alluding to his residence at Geneva, and the opportunities there afforded him of intercourse with all the eminent men of his party whom the persecutions of other countries had driven to the City of the Reformed, "secure of shelter and encouragement by the blue waters of the Lemon Lake," he gravely affirms, that "from the first moment when persecution began its work, that city had been *the refuge of the proscribed of Europe*," (p. 73); and that "in this crowded intellectual company *thought was as free as the winds which flew over them from the glaciers of Mont Blanc*." (p. 75.) As if it were not perfectly notorious that in no country had there ever existed a more sustained and despotic intellectual tyranny than in this very city of the Reformed. We have neither space nor inclination for a recital of Calvinistic intolerance; but we cannot help reminding his Grace of the cases which are familiar to every student of history; of Sebastian Castalio, who was deprived of all his employments, and banished from Geneva, because he called into question Calvin's doctrine of absolute reprobation; of Jerome Bolsec, who for a similar offence was subjected to a similar punishment; of the wretched Capuchin Ochino, whose daring innovations drew upon him the wrath of the whole church of Switzerland; of Gruet, who was cruelly tortured, and in the end beheaded at the instance of Calvin himself; of Valentine Gentili, who was banished from Geneva, and put to death at Berne, for his opinions on the Trinity; and above all, of Servetus, whose persecution and death at the hands of Calvin are marked by a degree of cold-blooded and unrelenting malice, for which it would be difficult to find a parallel in history.\* From February, 1546, when he wrote to Farel, that if Servetus ever came to Geneva, he would take care that he should not leave it alive, till his execution at the stake in October, 1553, the Reformer never relaxed in his animosity, nor halted in his fixed resolve of vengeance. The details of the long series of intrigues by which he secured evidences of the obnoxious

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\* See the details in Audin's *Vie de Calvin*, vol. ii., pp. 185—231.

opinions of his victim ;—the cold and cruel inveteracy with which he resisted all his demands for mercy, and even for the commonest offices of humanity, down to the miserable indulgence of a change of linen, for which the wretched man appealed in terms which, at the distance of three hundred years, still move our pity, not to say our loathing ;—are given by his biographer with contemporary evidence which it is impossible to resist. And it is a painful illustration of the temper of the times, that this proceeding against Servetus called for and received the full and cordial approval, not alone of the most eminent individuals of the party, but of the collected voices of the presbyteries of Switzerland. Farel wrote to Calvin, that “he could not conceive the possibility of hesitating about putting to the death of the body the wretch who had slain the souls of so many Christians; and that he did not believe there were to be found judges so iniquitous as to spare the blood of this infamous heretic.” Beza (on whose intimate friendship with Melville his Grace dwells with special satisfaction), wrote his deliberate opinion that it was a *holy work* to shed the blood of Servetus: Bucer declared that he deserved to have his entrails torn out; even the “mild Melancthon” assured Calvin that the Church, both of these and of all other times, would owe him a debt of gratitude for such a service; and the synods of Zurich, of Schaffhausen, of Basil, and of Berne, were of one mind in expressing their approval and encouragement.\*

We should be sorry to call into question his Grace’s opinions on the subject of toleration: but if he still believes that, in times like those which he describes, and in such “intellectual company” as they appear to have afforded, “thought was as free as the winds which blew over the glaciers of Mont Blanc,” we trust it may be long before our country shall be visited by such gentle zephyrs.

But we have delayed too long upon these topics, and we must proceed with the history of the religious changes in Scotland. The Duke has stated very clearly the fundamental principles by which the Reformers of Scotland are distinguished from their episcopalian brethren in England.

“The first great fundamental idea which we observe in the system of the Scotch Reformers, is to be found in their understanding

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\* See the passages at full length in Audin, and in Rohrbacher’s Church History, xxiii. 467.

of that much-abused term, THE CHURCH. It seems to have appeared to them as if it had been from heresy on this point that all other heresies had sprung; and of such paramount importance did they deem it that just views should be entertained in regard to this, that we find their explanations of it—not in the Book of Polity, but among the Confessions of their Faith. Under a series of heads—‘Of the Church;’ ‘Of the notes by which the true Church is discerned from the false;’ ‘Of the authority of the Scriptures;’ ‘Of General Councils—their power and authority,’—we find a number of affirmative and negative positions—the former stating what *is* to be believed—the latter what *is not*. The latter are, perhaps, the more important of the two. Affirmatively, two meanings are given to The Church; negatively, several meanings are condemned. First, there is The Church, in the largest sense—denoting that innumerable company out of all nations, and tribes, and ages, who, whether under the old dispensation or the new, have been chosen of God as his true worshippers in Christ, in spirit and in truth; to whom belong one Faith, one Lord, one Baptism—the Communion of Saints. Secondly, there is The Church, in the sense of the whole body of professing believers in the truth in each division of the earth—such as was the Church of Corinth, of Ephesus, or as that then established in Scotland. We have next, what we might expect from men who had before their eyes the incredible corruptions taught and practised by a priesthood who were in full possession of ‘Apostolical Succession’—the denial of all such positions as place the signs or ‘notes’ of the true Church either in ‘antiquity, title usurped, lineal descent, place appointed, or multitude of men approving.’ The true ‘notes’ are again affirmed to be—conformity with the revealed Word in doctrine—a right administration of the Sacraments—and the enforcement of a godly moral discipline. If controversy should arise, touching the interpretation of any passage in the Scriptures, no higher tribunal is allowed than the same Word in other parts. The Spirit of God, it is affirmed, cannot be contradictory to Himself; so that if the interpretation, determination, or sentence of any doctor, church, or council be repugnant to the plain words of God, written in other parts of Scripture, it is most certain *there* is not the true understanding and meaning of the Divine will—‘though councils, realms, and nations have approved or received the same.’—pp. 29—31.

He may well append the following commentary :

“It is a strange and instructive passage in the history of the human mind, that the men who laid down such principles as these were the same who conjured the Parliament, by every sacred exhortation, to punish, or, in other words, to persecute the adherents of the Romish faith! What other tribunal did their own maxims leave, for the determination of true doctrine, than the ultimate authority of *private judgment*? And if neither ‘realms nor councils’

had the right to make *them* believe what was repugnant to their sense of Scripture passages compared, what better right could there be in the Parliament of Scotland to proscribe such as differed, even most widely, from that sense? We must not solve the difficulty which such a course presents, by accusing the Reformers of a want of honesty—of a conscious disregard of principles in reference to others, which they were willing to assert in favour of themselves. They were men who, whatever may have been their errors, were thoroughly, heart and soul, *in earnest*. They believed all they said, and never failed to say all that they believed. There is an explanation, we apprehend, more just to them, and more instructive for us. We see in their example how, in human controversies, the truth advances, as it were, only by small instalments. Principles are enunciated by men who have a single eye to one or more results against such prevailing errors as may have roused their special opposition. Ulterior results remain concealed; and the full fruit is only reaped by after-generations.”—pp. 31, 32.

A still more distinctive characteristic of the Scottish reform, was the doctrine which it put forward regarding the christian ministry.

“We have yet to state one other fundamental idea proceeded on by the Scotch Reformers, which, though almost entirely lost sight of in practice, under the previous system, and hardly less so by many in the present day, seems to have been with them so elementary and essential, that we know not any one passage of the times in which it was ever formally expressed. Yet on this, we think, more than on any other, depend all the great peculiarities of their system, and of the ecclesiastical history of Scotland, from that time to the present hour. We allude to the total and entire absence of anything like a priestly elevation of the clergy; and especially to the full association of the laity with all their notions of the powers and duties of the Church. The minister was, indeed, regarded as an officer of the Christian community indispensable for the due and orderly performance of such public acts as are of perpetual obligation in the services of religion, and for the instruction and exhortation of the faithful; but as possessing no authority over his brethren in doctrine, unless supported by the written Word, nor in rule or discipline except as the representative of the Church. And by this term was denoted, not the clergy, as is the corrupted sense, but the mass of the believing people.

“These were no barren speculations. We have already said that, in the abstract, they seldom or never appear as written principles. But every institution of the Reformed system bore the impress of their continual presence as fundamental truths. The Christian Church was, indeed, to be divided, like every other community, into ruled and rulers; but of the latter a large, and in many instances the larger proportion, were chosen from the laity.

That for which the late Dr. Arnold so earnestly contended, as the first step towards Church Reform—the narrowing of the space which has come to separate the great body of the Church from a class of its officers—the amalgamation of the clergy and the laity in the discharge of common duties, and in the exercise of ruling power—was fully realised by the first Scotch Reformers.

“Indeed, the very root—the essential principle—on which the priestly idea of the Christian ministry depends, was wholly wanting in their system. They recognised no invariable right of institution—no law, therefore, of perpetual succession, no principle which could constitute the clergy an order or a caste. The minister was merely the expression of an authority which ultimately lay, not in him, but around him, and above him—in the body of the Church. Popular election was the authority on which his position rested; not on the naked authority of a plurality of votes given by an uninstructed people, but on the fact of his having received public and formal commission to exercise the office of the ministry, first from his own congregation, and then from the representative authorities of the whole Church. And the special forms under which this commission was conveyed were not suffered to include anything approaching a ritual ceremony. The first Reformers rejected ordination. The miraculous outpouring of the Holy Spirit, which had followed the imposition of Apostles’ hands, they believed had ceased, and therefore they judged the form ‘not necessary.’”—pp. 34—36.

And upon the clearness and force with which this notion was put forward, the Duke argues for a principle on which he is directly at issue with the Free-Church divines, viz., that the first Reformers never dreamed of that distinction of Church and State, which is the essential ground-work of the modern theory.

“With these ideas rooted in their mind, the system of the Reformers wanted, we repeat, the essential principle of priesthood. And along with this want there was another want depending on it. The common idea of the distinction between Church and State is founded on a priestly idea of the nature of the ‘Church.’ It could not, therefore, find any natural place in the mind of the first Scotch Reformers. Their notions of civil government were not easily separable from their notions of the nature of the Church. Popular representation, at the root of both, left not much room for any superstitious distinction. Accordingly, there are no indications of it in the First Book of Discipline. The true idea of that distinction—that which is not dependant on any priestly notion, and which is, therefore, not the common one—even this appears in a comparatively dormant state.”—pp. 37, 38.

“It may enable us to realise more distinctly those principles of

the Scottish Reformation which we have now explained, if we attend to the constitution of the General Assemblies of the Church during the first few years of this period. It is apparent, both from the whole tenor of the proceedings, and from the names and titles of those who formed the members, that the predominant idea entertained of what that Assembly ought to be, was one of complete national representation. The only circumstance which seems to have given them any ecclesiastical character,—as that word is commonly understood,—or to have distinguished them from the nature of a Parliament, was the subject matter of their deliberations. And even here no clear distinction was maintained, (as, indeed, with their ideas, none such was possible,) between Church and State affairs. The names and designations of those who composed the first and the third General Assemblies, have been preserved in the records of the Church. In the first there were, in all, forty-one individuals. Of these only six have the title ‘minister’ attached to their names. The remaining number sat under the title of ‘commissioners’—deputies sent to represent the voices of towns and congregations. This, indeed, the ‘ministers’ were also. The constituency for which each member sat, including the ministers, is specified along with his name. This representative Assembly proceeded, we find, to designate certain individuals as qualified to fill the office of the ministry. In the third General Assembly, accordingly, we find the number of those who bear this title proportionably much greater. Only thirty-five members are named as having composed it, and of these twenty-one bear ecclesiastical designations. There is less specific mention, in this case, than before, of the representative principle; probably on account of the fact that as elected, or at least approved by his congregation, a minister was, *ex-officio*, representative for them.”—pp. 48, 49.

Our present concern, however, is rather with the history of the struggle between the two great contending principles of Prelacy and Presbyterianism. It is hardly necessary to say, that the form of Protestantism, solemnly established in 1560, was the extreme of Presbyterianism, which Knox had drawn from the rigid school of Geneva. There existed, nevertheless, from the commencement, an opposite tendency, which received, and long continued to receive, a powerful impulse from the interested designs of the nobility and great proprietors of Scotland, and of the influential advisers of the crown. In order that the reader may understand more easily the machinery called into action during the contest, we shall extract the Duke’s account of the form of church polity, partly established in 1560, and more fully developed at a later period.

"When fully developed it included four principal tribunals. First, the Parochial Court, consisting of the ministers and elders ; secondly, a court in which several such parochial courts, included in a certain district, were represented, and which was called a Presbytery ; thirdly, a Provincial Assembly, called Synod, which represented a proportionably larger division of the Church ; and lastly, the great Council of the whole national Church, which was called the General Assembly. We need hardly say that in 1560 there were not materials for this regular series of tribunals, but from the beginning there were the first, and the last, which may be considered as primary and essential. During the first few years after the establishment of the Reformation we meet with much variety of detail ; and there is one arrangement of that period which has called forth much attention and some controversy. This was the appointment of men, under the name of Superintendents, who were commissioned to plant ministers in vacant places, and to oversee the building up of the Church generally within a certain district committed to their charge. This, it has been alleged, is inconsistent with the idea of Presbyterian parity among ministers, and indicates that the first Scotch Reformers had no real objection to an Episcopal system. Now we think it quite certain,—and it has been well shown in the controversial work of Bishop Sage,—that the first Scotch Reformers did not entertain those feelings towards Episcopacy in the abstract, which we shall presently see were very soon induced by the violence and injustice of its Scotch adherents. But they indisputably held, as their own idea of a strictly scriptural system of Church government, that there was no permanent office in the Christian Church superior to that of the minister of a particular people or congregation, or parish ; and to *him* they applied, as they found the New Testament doing, the Greek word *ἐπίσκοπος*. Such other offices as they considered also of permanent authority in the organisation of the Church, were regarded rather as supplementary than inferior to this—such were elders, deacons, doctors."—pp. 51, 52.

The distinction of title thus established, formed the germ of the new scheme of episcopacy, with which Presbyterianism was destined to struggle so long and so earnestly. The contest may be dated from the year 1571. The death of Archbishop Hamilton, and of other incumbents of the ancient benefices, of which they had never been legally dispossessed, opened for discussion the important question as to the future application of these valuable revenues. The nobles had long and anxiously desired an appropriation of them, similar to that of which they had seen so many examples in England. But the reformed clergy of

Scotland were too bold and too watchful to warrant a hope that they would look tamely upon such a measure.

"How then was the desired appropriation to be effected? A most notable scheme was planned. There were already Superintendants in the Reformed Church, and why might there not be Bishops too? Every possible concession might be made to the Presbyterian character of the existing constitution of the Church—there need be little change but a change of name—it was not necessary that the new Bishops should be possessed of any spiritual power, or any authority in the government of the Church, superior to that already delegated to Superintendants or representatives of corporate authority; they might be examined and admitted according to the same forms; they might be subject, like them, to the jurisdiction of the Ecclesiastical court—to the control, to the censure, and finally, to the deposition of the General Assembly. All these concessions the Regent and the nobles were willing to make, and did make. What then, it may be asked, was the object of a change at all? It could not be a desire to maintain the 'Catholicity' of 'the Church'—it could not be a desire to secure the blessings of Apostolic Episcopal Succession. There was no provision for this—no thought of it; it was an idea of which the Earls of Lennox, Mar, and Morton had not the remotest conception. One object, and one object only, had those men in view; one requirement, and one requirement only, was made of the presentee to a vacant bishopric—that he should not be too greedy of its revenues—that in consideration of a certain part he should pass on the greater portion into the exchequer of his patron.

"Such was the system on which the Regent and higher nobility had already begun to act, before any public sanction except their own had as yet been given to it. Bishop Keith, in his Catalogue of Scottish 'Bishops,' gives a quaintly honest account of this transaction, and of the first origin of his Order in the Reformed Church of Scotland. 'After the death of Bishop Hamilton, the rents of the see (St. Andrews) were by the Regent conferred upon the Earl of Morton; and this nobleman being desirous to enjoy those rents in *some sort of legal manner*, made choice, &c.' Accordingly, in the Parliament of August, 1571, the person who had thus honourably acquired the title of Archbishop of St. Andrews was admitted, under protest from the Reformed Church, to his seat as a member of the Spiritual Estate."—pp. 64, 65.

This corrupt and spurious system of episcopacy, (the *Tulchan* of the popular proverb,) reached its full development under the Regency, from 1571 to 1580. Its history, however, is a series of alternations and inconsistencies. It is not to be imagined that it was unopposed by the Presbyterian party in the General Assemblies. But the

Regent, failing in the regular tribunals of the Church, succeeded in obtaining the sanction of an extraordinary convention, for this system of nominal episcopacy; the so-called bishop, however, being distinctly recognized as nothing more, in substance, than a Presbyter, and being directly subject to the authority of the Assembly.

So anomalous an institution could hardly prove long-lived. Its history is little more than a series of collisions with the Assembly; and the determined and long-sustained opposition of the celebrated Andrew Melville, at length accomplished its overthrow in the General Assembly of 1580.

The accession of James VI., however, and the active support of his first minister and favourite, Esme Stewart, Duke of Lennox, gave a new impulse to the party. Episcopacy, if the institution deserves the name, was destined to another revival. The well known Black Acts of 1584, placed it once more upon the same footing; but the opposition which it encountered, was so earnest and so universal, that, after a long struggle, the king was compelled to give way to the popular will; and under an impulse which it is not easy to explain, he abandoned the once favoured system to its fate, and embodied the whole system of Presbyterianism in a series of statutes, which form, even to the present day, the great charter of the Church of Scotland.

But whatever may have been the influence under which the change was effected, the king soon became dissatisfied with the working of the system; and from this period commences that long series of intrigue and violence which terminated, in the first instance, in the obtrusion of prelacy upon an unwilling nation, and in the second, in the downfall of the dynasty with which prelacy had been associated. The first advances were made with great caution.

"James proceeded with singular caution and address. In the first Assembly in which he began his scheme of innovation, he had to deal with, on the whole, a tolerably free representation of the Church, notwithstanding his strenuous exertions to influence the elections. He was therefore contented with a favourable reply to such demands as this—'that it be not thought unlawful, either for the prince or any pastor, to move doubts, or crave reformation in any points of the external policy and government of the Church that are not essentially concerning salvation, or are not answered affirmative *vel* negative by any express part of Scripture.' What, in

the abstract, more reasonable than this? what more insidious, when asked by one who had resolved not on partial change—but on total revolution? In the Parliament of the same year, a remarkable evidence appears of the caution of the King, and of the greatness of the power which compelled him to proceed so warily. It was enacted that such ministers of the Church as were nominated by the King to vacant sees, should have a seat in Parliament as Members of the Spiritual Estate; but all that concerned their status in the Church was expressly referred to James's dealings with the General Assemblies. In the successive meetings of that body for the years 1597—8, and 1600, we find him pursuing his design with much ability, and with a singular want of principle. Intimidation was applied to some; promises of promotion gained a few; unscrupulous falsehoods—such as solemn protestations that he meant not to introduce Bishops in the 'Anglican or Popish' meaning of the word—soothed others; and a tyrannical exercise of arbitrary power got rid of the dreaded opposition of the unappeasable Andrew Melville."—102—104.

Nevertheless, the concession thus extorted from the Assembly of 1600, amounted to no more than a recognition of the old *Tulchan* system. The prelates were not to enjoy the style and title of bishops. Their vote in parliament was to be solely in virtue of a commission from the church. They possessed no spiritual jurisdiction over their brethren, and were themselves subject, in every particular, to the jurisdiction of the tribunals of the Church.

But the death of Elizabeth in 1603, and the new influences to which James's succession to the throne of England subjected him, as well as the increase of power which it placed in his hands, soon brought about, by a more summary process, the change which he had sought to effect by those insidious proceedings. In defiance of the Statutes of 1592, and in disregard of his parting address, in which he promised to maintain the Presbyterian system inviolate in its integrity, he invaded the right of annual meetings which the law accorded to the General Assembly; he imprisoned, or otherwise set aside the leading members, whose opposition seemed most formidable, and convoked the Assembly by his own authority. The Assemblies thus convened by the Royal mandate, were soon found sufficiently compliant. The Bishops were declared to be permanent presidents of all the presbyteries within their respective dioceses. The sees were re-endowed with suitable revenues; and for the more speedy adjustment of all details,

and the more satisfactory suppression of all opposition, the Court of High Commission was established in Scotland. Under the gentle pressure of these influences, the Assemblies became still more pliant. The Assembly of 1610, held at Glasgow, conceded to the Bishops, at the King's demand, almost the full measure of Episcopal authority, with the single limitation (in those days scarcely a practical one) of subjection to the General Assembly; and three of the prelates were sent to England, to receive episcopal consecration and impart it to their brethren at home. The Assembly of Perth, in 1618, completed the work of subjugation, by introducing into Scotland, in the celebrated Five Articles of Perth, the obnoxious ceremonies, whose enforcement upon the less incongruous service, and the less uncongenial habits, of the English Church, had already encountered such resistance in England, and was destined to produce still more fatal consequences.

Charles I. inherited his father's Scottish policy, but he pursued it upon far more lofty principles. The Duke's historical summary of the events of this reign, is by many degrees the most striking portion of his Essay. The description of Charles's visit to Scotland, and of the measures which he pursued, is indeed a very brilliant passage.

"Eight years pass on from the accession of Charles I., and we find him in the midst of feasting and revelry at the ancient Palace of the House of Stuart. They had been eight eventful years for England; the antagonist principles of civil and religious despotism, and the claims and rights of freemen, had already come into ominous collision, on the floor of the House of Commons. Charles, and Laud, and Wentworth had already arrayed against them that great company of extraordinary men who cluster round the name of Hampden. This was the period when the former number had quenched by violence the opposition of the latter, and were preparing, by every species of bigotry and oppression, for their own tremendous overthrow. It was the deadly calm which precedes the hurricane; and Charles and Laud had determined on the final reduction of the Scottish people to spiritual and temporal obedience. Their Church was still deeply tainted with the leaven of Presbytery; James had known the temper of his countrymen better than did his son; the clergy had very generally refused the ceremonies imposed at Perth; and the older Scottish Bishops, with Spottiswoode at their head, had been made aware by the heaving of the ground beneath them, that they must be wary and circumspect. But Laud knew little of this; for what he did know he cared not; and there were a number

of men more recently elevated to the Episcopal Bench in Scotland, who had not risen like Spottiswoode, through Presbyteries and General Assemblies, and who were to the full as reckless as himself. In all things, Laud was resolved the Scottish service should be brought up to the level, or above it, of the English ritual. He little knew the elements he had to deal with ; he met a spirit as determined as his own ; he roused a bigotry almost as frantic, but having—what his had not—right and justice on its side.

“The storm, however, advanced amidst flowers and sunshine. All was joy and festival round the King at Holyrood. But amidst the lavish expenditure of the Scottish nobles, the prodigality of their feasts, and the sumptuousness of their caparisons and dress—symptoms were observed of the real condition of the people’s mind. Those, it was remarked by Charles himself, who wished to recommend themselves in Parliament, to favour out of doors, spoke in a tone of decided opposition to the Court. The persons whom he shunned, in his private intercourse, were ever, he also noticed, the nearest to his person, and the most eager to be seen in converse with him when in the public streets. The courteous manners of the high-bred gentleman, and the natural amiability of his personal character, could not repel their civility and devotion ; and he saw that when a good impression was to be made on his Scottish subjects, it was needful that those from whom he was most averse should seem his nearest councillors. Poor Charles the First ! Who does not deplore that the glances of that grave mild eye, which saw so much, had not seen far more ! But he was a bigot, and bigots were on his right hand and on his left. That a new Liturgy, at variance with their most deeply-rooted sentiments, should be forcibly imposed on the Scottish people, was a proposition he hardly heard disputed, unless when the wary Spottiswoode recommended caution on such grounds of expediency as Charles’s nature could little sympathise with, or understand. He did indeed hear debates. The pride of the Scottish Bishops was offended by the haughtiness and temper of their English brother. They were willing to oppress others, but they could not bear to be dictated to, themselves ; and a passionate dispute arose as to whether the new Liturgy should be that used by Laud, or another form to be composed by Scottish Prelates for the peculiar use of the Scottish Church. Their pretended patriotism, it seemed to Laud, was really their own pride of heart. We too are of the same opinion. Men who have trampled on the feelings and violated the constitution of their country, and who were at that moment preparing for still more aggravated oppression, can hardly be held to have redeemed their character for public spirit by rebelling against being compelled to use precisely the same form of words which the Bishop of London used. It mattered little which of them gained the day, The time was already almost come when other voices besides those of either Laud or Spottiswoode must needs be heard.

"A commission was at last granted to the Scottish Bishops to prepare a Book of Canons and a Liturgy, which, when finished, were to be sent up for revisal by Laud and other English Prelates. But all this was secret. Some public acts were however done, before Charles returned to England, which added something to the causes already in active operation. More Bishops were raised to the highest civil functions; the Court of Session and the Privy Council were crowded still more with croziers. The people had been long finally estranged; the higher nobility were now mortally offended. But for four years all was calm—so deadly still, that to the superficial eye, it seemed like rest. Some acts of gross tyranny in civil matters perpetrated by Charles, and many in ecclesiastical affairs by the now revived activity of the Court of High Commission, seemed to be submitted to in all the quietness of passive obedience. The Bishops were still concocting their Liturgy and their Canons. This was well known, and a spirit of unshunnable resistance was being infused into the ambushed ranks of Presbytery. The mysterious influences of that extraordinary time were deeply but silently at work. Notions of mere political right were being succoured by religious belief. Already was the temper of the times seeking expression in the Language of the Law and of the Prophets; and throughout the pulpits and parishes of Scotland, a patient waiting was enjoined 'for the time when the Lord would deliver Zion.'

"No haste was manifested or felt, to begin premature resistance. It was seen, as Lord Clarendon informs us, that the temper and violence of the Bishops would soon be their own undoing; and so it was. At last, the Book of Canons was completed, and forthwith without farther communication with the clergy, or the assembling of any council, either lay or spiritual, there issued a Proclamation from the King, commanding universal and immediate obedience. This was despotic enough; but it was the appropriate introduction to a Book of Canons which laid down the principles of despotism with the noblest candour. Charles I. claimed supremacy not less ample than that which had belonged to the Kings of Israel:—he was to be King 'after the pattern' of David and his line. And as if to give a practical example of the powers he claimed, one of the Canons enjoined the uniform practice of a Liturgy which was yet in the workshop of the Bishops. But the crisis was now at hand. The Liturgy, too, was at last completed; and after Laud and his coadjutors had given it their final touches, and made it (where it differed) more like the Roman Missal than the English form, it was sent down to Scotland, and after some postponement and delays, the order was promulgated for its being read in all the churches on the ensuing Sunday.

"Who has not heard of the scenes which followed?—how on the memorable Sunday of the 23rd July, 1637, the two Archbishops of Glasgow and St. Andrews, with many others of their order, the

Members of the Privy Council, and Court of Session, all in their robes of office, went in solemn procession to the Cathedral Church of St. Giles in Edinburgh—how a prodigious concourse had assembled there ;—how when the book was opened, and the Dean began to read, there was first a murmur, and then a roar ;—how the excitement rose till it came to madness ;—how the Bishop commanded the Dean to proceed ;—how Janet Geddes seconded less effectual remonstrance with her three-legged stool ;—how the Archbishop interposed his dignity, but in vain ;—how the civil magistrates were then appealed to ;—and, in short, how the multitude, swaying to and fro like a drunken man, gave dreadful witness to the wickedness and folly of tyrannical dictation in matters of religion, and in forms of prayer.”—pp. 110—115.

This resistance, however, coming, as it chiefly seemed to come, from the lowest and least influential class, had not the effect of inducing the court party to give way. The Bishops, on the contrary, persisted in enforcing conformity. But a more formidable opposition soon developed itself. A considerable body of the clergy, headed by the celebrated Alexander Henderson, protested against the Service Book and the Canons, and presented a petition to the Privy Council, praying their withdrawal. Even if the King had been inclined to yield, which he was not, the still more stern temper of Laud would have maintained him in his purpose. The reply to the representations of the Privy Council was a peremptory mandate for the enforcement of conformity.

A new petition was presented, but now under very different circumstances. On the side of the “supplicants,” were enlisted the whole mass of the people, by far the largest portion of the clergy, and a powerful array of the nobles and higher gentry. The Privy Council hesitated in alarm. Emboldened by their hesitation, the supplicants organized their system of resistance, and the celebrated constitution of the Four Tables, consisting of separate councils of the nobles, the shires, the burghs, and the clergy, gave a strength and solidity to their combination, to which it was mainly indebted for its subsequent success.

On the third of February, 1638, the Privy Council, in alarm, reported these formidable movements. But the king and primate were still inexorable. This resistance was denounced by proclamation as illegal and traitorous, and the use of the Service Book was still enforced with the same relentless pertinacity. The “supplicants” met this

determined step with equal determination: and now they appeared in arms. The internal divisions of the Presbyterian body, too, which the royal advisers had hoped to improve to their own advantage, were extinguished by Henderson's masterly stroke of policy in the publication of the Covenant, embracing all shades of Presbytery. The ferment became universal. Spottiswoode, and several of his brethren, fled in consternation to England; and three of the body renounced their episcopal functions, and ranged themselves with the Presbyterian party. These signs could no longer be mistaken. Charles despatched the Marquis of Hamilton as his commissioner to Scotland; and after several ineffectual efforts to temporize, was compelled to yield the claim for a General Assembly and a free Parliament, to abandon the Service Book and the Book of Canons, and to abolish the Court of High Commission.

The Assembly was fixed for November 21st, 1638. The democratic element which it threatened to exhibit in its composition, was no less an object of apprehension to Charles than was the Presbyterian; and, with the view of divesting the meeting of at least this formidable characteristic, he required that it should consist exclusively of the clergy. But the supplicants would not hear of half measures like these. They insisted on the constitution guaranteed by the Statutes of 1592; and the king, baffled at every point, was forced to prepare in secret for the armed collision with his cherished prerogatives, which he now foresaw to be inevitable. The Assembly met. It was impossible to mistake its spirit and its temper. Hamilton tried every expedient of diplomacy and of delay. When all had been fruitlessly exhausted, he declared the Assembly dissolved, and retired from the place of meeting. But the supplicants, now conscious of their strength, refused to abandon their vantage-ground. They continued their sitting without interruption; bound themselves to maintain their constitutional privileges; and, in virtue of the rights guaranteed by the Act of 1592, appointed a day of meeting for the Assembly in the following year.

This was the commencement of the war of Charles with the Scottish Covenanters. From this moment prelacy was forgotten in the strife; nor does the civil war which ensued bear directly upon the main subject of our present enquiry. It will be enough to say, that the concessions into

which the king, after various unsuccessful negotiations, was ultimately driven, came too late for the temper of Scotland. No mere constitutional recognition of the legal existence of Presbytery would satisfy the elevated pretensions of the now triumphant Covenant. The claim of Divine Right was henceforth blazoned on its banners. The offers of Charles in 1641, ample as they would have been deemed a few months before, were scornfully rejected; and a few months later, dazzled by the hope of establishing their cherished form of church polity, and enforcing their still more cherished doctrines throughout the length and breadth of England, they concluded, in 1643, the Solemn League and Covenant with the English Parliament.

We shall not enter into the minute history of this alliance. There is one peculiarity of it, however, which the Duke brings forward with great candour, however little creditable to his countrymen.

"In the establishment of this great principle,—the Liberty of Dissent,—Scottish Presbytery had not the honour of giving its assistance. Its representatives saw with horror and alarm the rise and spread of an opinion as fatal to the claims of its own Assemblies as to those of Prelatic priesthood. 'In their sermons in the city,' says Baillie, in a letter dated May, 1645, 'the Independents are deviating more and more towards old and new errors, ESPECIALLY LIBERTY OF CONSCIENCE.' Indeed, this period of negotiation between the Westminster Assembly of Divines and the Long Parliament is the most humiliating passage in the History of Scottish Presbytery. 'It demanded,' to use the quaint words of the same authority, 'in high and peremptor, but in wise and unchangeable terms, the settling of religion, (to wit, the setting-up of Presbyterian government,) according to the advice of the Assembly, *without all toleration of any sect.*' Yet at the very moment it was thus demanding of the Parliament to exercise its civil power in subjecting the whole people, 'without toleration of any sect,' to its own principles of discipline and faith, it stigmatised every attempt of the same Parliament to modify or change any of its proposed 'Articles' as an 'Erastian' interference with the government of the Church! If the Parliament consented to receive its articles *simpliciter*, and enact them, *this* was an exertion of civil power in spiritual things, which it was no more than its duty to make. But if it altered them, this was an Erastian usurpation; and if it refused them, this was the greatest crime of all,—a neglecting to 'settle religion,'—the cause of God's judgments, by pestilence and the sword—a violation of the Covenant!"—pp. 180, 181.

His Grace might have added, as a further illustration of

the tendency of all sects to intolerant use of power, that this very party,—the Independents—who maintained so sternly against the Puritans the principle of Liberty of Conscience and Right of Dissent, had no sooner themselves attained the ascendant, than they turned their back upon this profession. They refused to extend this liberty to Prelatists, and still less to Papists. The priests were sought out and apprehended as in the darkest days of arbitrary power. Many were sentenced to death. Father Peter Wright was actually executed in 1651. Recusancy, fines, and confiscations, were strenuously enforced. In twenty-five counties of England no less than £60,000 of Catholic rents were under sequestration in 1650, and the appeal for even the barest shadow of indulgence, not to say toleration, which the oppressed and broken-spirited Catholics made to the parliament in 1652, was contemptuously scouted from the house without even the miserable consolation of a hearing.

We are bound, however, to record, as a compensation, another event in the history of those times, in which the Scottish party figured with greater credit,—the trial and condemnation of the unhappy king with whom they had maintained so long and so deadly a struggle. There is much feeling, and, we must add, much ability, in the Duke's observations upon this subject.

"The part which Presbytery took on the occasion of this announcement is well known. The Commissioners were instantly instructed to protest, in the name of Scotland, of the Covenant and the Constitution, against an act which was deemed a violation of justice, and of all law human and divine.

"We do not sympathise with Covenanting Presbytery in all nor in most of the grounds of its difference with Cromwell. But in this we do. We look upon the execution of Charles I. as Presbytery looked upon it then, as an unwarrantable and needless crime. This, we are aware, is a most unfashionable opinion among 'liberal' politicians and 'philosophical' historians. Biographers, like Carlyle, speak of course in terms of triumphant sympathy with this, and all other deeds their idol did. Cromwell did it: he thought it necessary to be done. They therefore think it necessary too, and consequently right. With this summary conviction there is no means of reasoning. But in reference to this event, Mr. Carlyle has condescended to tell us the specific ground on which he thinks this deed was necessary, and forms a subject of congratulation to after times. It broke, he thinks,—and was needed to break,—the idolatry of Kings. It was as the unpunished insult offered by a Pagan

Queen to the volcano which her people had believed a God,—it broke enchantment, and ended servitude !

“ We have seen no ‘ philosophical ’ explanation of any historical event which is less consistent either with reason or with facts. That violent excess on one side is productive of as violent excess upon the other, is a law of our nature which, we should have thought, had been very generally observed,—very proverbially known. The principle is of such general application that it has been admitted, we believe, to the rank of a text for copy-books. Even, therefore, if Mr. Carlyle had lived and written during the Protectorate of Cromwell, without foresight or knowledge of subsequent events, it would have been strange to anticipate the decay of king-worship from a deed against a king which was revolting to the moral sense—to the judgment and humanity of a vast majority of the British people. But that any man who lives and writes since the Restoration should ascribe such effect to the murder of Charles I.,—with full knowledge of that mad and drunk reaction which again, much more abjectly than before, placed the liberties of the nation at the feet of a despot—is the most amazing effort of historical philosophy with which we are at all acquainted. We ascribe it, however, to another idolatry, at whose shrine Mr. Carlyle is an abject worshipper—the idolatry of Genius. This, too, is an enchantment and a servitude which it would be well to break. Yet we should doubt the efficacy of an expedient such as Mr. Carlyle thinks (despite the Restoration) was so successful in respect to kings. He probably knows best whether his reverence for Cromwell would have been less if that extraordinary man had been shot or hanged. We suspect not. The noblest light which ever flashed from genius may be easily quenched in blood. But this would only exaggerate the memory of its brightness, and enshrine it as the object of still blinder admiration. And so with the right and prerogative of kings. They may be taken by assault, or cut short in violence. But this, if it be done at the expense of any sacred principle, whether of natural or political obligation, is directly calculated to induce that reaction and excess which in the present instance actually occurred with such long and deplorable effect.”—pp. 194—196.

There remains but another chapter, and that the least honourable of them all, in the history of Scottish Episcopacy. During the fierce contests of the Covenant, even the name had been almost entirely forgotten ; but it was re-established in all its integrity immediately after the Restoration. Nor can any one wonder at the scanty favour which it found in the eyes of the people.

“ It came under circumstances and with an aspect, if possible, still more forbidding than before :—it came under the patronage of

a profligate and irreligious Court:—it came in the train of a council of nobles rioting in every meanest vice:—it came with the same beginnings of deceit, and with ends of even greater violence:—it came with the abject and disgraceful abandonment of every constitutional security for civil and religious liberty, which had been gained during the late struggle, or which had existed before it:—it came represented by a Primate, who, like all his predecessors, was a traitor to the cause he had professed to serve, but who, in a degree much worse than any of them, was false and selfish, unscrupulous in his ambition, cruel to those below, and abject to those above him:—it came, in short, to use the words of one whose authority cannot be doubted, ‘with such cross characters of an angry Providence,’ that it seemed God was against the Bishops.”—p. 207.

There is one circumstance in the history of the Episcopal Church at this period, which the Duke records with just indignation.

“We read with especial horror, that at the very time when English Episcopacy was beginning to move in the cause of liberty—when its doctrines of passive obedience were yielding under the influence of circumstances in which it was distasteful or dangerous to practise them—when a Popish monarch became the advocate of tolerance, and the famous contest against the ‘dispensing power’ began—the two ‘governing Bishops’ in Scotland sent up an offer to James II., signed by several of the ‘spiritual’ bench, to the effect that they would offer no opposition to the removal of disabilities from those of ‘His Majesty’s religion,’ provided the enactments against the Presbyterians were maintained in force. But as it was clear that a Papal tolerance must involve also a tolerance of Presbytery, most of the Scottish Bishops ventured to record their votes against the abolition of the tests. We cannot honour them for this resistance, because it was clearly founded on the same motives which, until then, had marked their course with the basest servility recorded of any party in our history. They had aided and abetted Charles II. in every most oppressive measure of his reign; and worse, they had aided his coarsest agents in the most cruel execution of most cruel laws. Only a few years before, they had used all their influence in the imposition of those test oaths which were so odious in the principles they involved, and so doubly odious in the purposes they were intended to subserve—for ‘explaining’ which the Earl of Argyll was executed; and rather than take which, about eighty of their own clergy had resigned their livings, and left their service. With a single eye, too, to the persecution of the Presbyterian people, the same party had prostrated even principles of Episcopal authority, which it was their duty to defend.”—pp. 211—213.

It was a part of their punishment that ‘his very circum-

stance should contribute to accelerate their fall. We shall hardly be suspected of any predilection for the antagonist principle, when we express our full sympathy in the following graphic description of the complete extinction of Scottish Episcopacy, for which the first news of the landing of the Prince of Orange gave the expected signal.

"The 'abhorred' invasion being soon actually made, James had to withdraw his troops from Scotland. Immediately the clergy all over the Lowlands of Scotland, where their system had earned the greatest hatred, were exposed to the attacks of fanatic mobs. They were 'rabbled' out of their livings. It does not appear however that any sanguinary revenge was taken. The butcheries of Claverhouse were not visited on their heads—though we fear that more impartial times will not acquit their memories of at least some measure of the guilt. As it is, we profess our inability to grieve over the hardships to which they were now exposed. They had been rabbled *into* their livings—it was natural that they should be rabbled *out*. About two hundred ministers, we are told, were ejected in this lawless manner; but not far from double this number had been ejected in 1662 by the agents of Scottish Prelacy. True—this former ejection had been made under the cover of law. But this was the master grievance. The nation's mouth had been made to speak against itself. Priests persecuted its religion—Parliaments trod down its laws. The first took the name of God's law,—the latter took the name of human law, in vain. And now this system of mockery was to end—the popular mouth was to be opened—its smothered voice was to resume its utterance. What wonder if its first accents were pronounced in rage? What wonder if its words were as words of cursing? The Editors of the 'Spottiswoode' are anxious to impress us with the injustice inflicted at the Revolution on the Episcopal clergy, by the Covenanting mobs. Doubtless they were hardly used. But the injuries they met with were as nothing to the injuries they and their agents had inflicted when they had their power."—pp. 215, 116.

The Duke's historical survey of the fortunes of Episcopacy in Scotland terminates with the Revolution; he cautiously abstains from identifying the existing Episcopal Church in Scotland, with the hated institution of the Stewart times. Considered as "a transplant from the Church of England, which gradually, and by legitimate means, has successfully struck root in another country;" he looks upon the former as thoroughly entitled to sincere respect. But a great portion of the second part of his Essay is devoted to a discussion of the principles of those

over jealous defenders of Episcopacy, who cling with reverence even to the shadow thereof which the Church of Scotland in the seventeenth century presented ; who claim the privilege of Apostolical succession, even through all the breaks and gaps which history points out in the chain, and the false and spurious links by which the bare semblance of continuity is maintained ; who still, in defiance of history, look upon themselves as "the Church" of Scotland; and—by a fiction analogous to that of our High Church party in reference to the Catholic Church in Ireland—regard their Presbyterian countrymen as in a state of schism.

With this controversy, for its own sake, we have little concern. We do not mean it as an offence to either party to say, that, looking upon truth as one and undivided, we have little interest in examining into the greater or the less degrees, of what our principles compel us to regard as errors. Nevertheless, it is difficult to imagine any such controversy in which some principle is not involved ; and there is so much vigour and manliness, as well as originality, in the views of the Presbyterian principle, as contrasted with that of *Episcopacy in any Protestant community*, put forward by the Duke of Argyll, that we are inclined to devote our few remaining pages to a brief summary of them.

His theory then, is, that the idea of Presbytery formed the very essence of the Reformation : that without it the Reformation is incomplete and meaningless ; and that if it be once abandoned it will be difficult to find a consistent resting place, short of the universal Episcopacy of the Papal system. And by Presbytery he means a system not only antagonist to episcopacy, but one strictly and essentially "anti-sacerdotal in its nature" (226.) ; rejecting all idea of "anything like a priestly elevation of the clergy" (34.), and recognizing "the full association of the laity, with all their notions of the powers and duties of the Church." This he maintains to be the true character of Scottish Presbytery. "Its government is based on the representative system. Its office-bearers are only the officers of the people. Its ministers are destitute of the character of an order ; they are not above the Church, but of it ; they are not lords over God's heritage, but only members of the same ; they have not the power to constitute themselves into a priesthood, even if they had the will. It is forbidden by their history. For a considerable

time after the Reformation, they were not even set apart, as they now are, by the ceremony of ordination, but only by election confirmed with prayers," (p. 226.) Now the assertion of this principle he maintains to have been the fundamental ground of the Reformation, and the leading idea of its originators.

"It is impossible not to see, that wherever a mere question as to the geographical extent of a particular Priest's authority enters principally, or even in any degree, into men's idea of the Reformation, the whole system of Protestant opinion is based on sand. We have said that the denial of the Bishop of Rome's spiritual sovereignty was a bit of truth. But the fact is, that *in itself* it can hardly be said even to amount to this. The mere fact of an universal Bishopric expressed no lie, and therefore, the denial of it expressed no truth, except when viewed in connexion with certain principles which lay behind it. In as far as the power of the Italian Priest claimed to rest on Divine authority—and thereby involve the principle of constructive interpretations of God's Will, through the medium of tradition—in so far those claims *did* express a lie, and the denial of them *did* express a truth. If 'Churchmen' regard it in this point of view, we should have no objection to their condemning a principle which certainly was one of those against which the Reformation entered its protest. But when it appears that the only principle which makes the denial of the Romish claims valuable, is directly involved in other claims, which those 'Churchmen' themselves advance, it becomes evident that *their* idea of the revolt from Rome forms no part whatever of the truth or the value of the Reformation.

"Except as involving the vicious principle above referred to, the spiritual jurisdiction of a central government over the visible Church was in itself no evil thing. If there is one glorious characteristic of the Christianity of the middle age, it was in that feature of wide conformity which symbolised the unity of the Spiritual Church. And this feature of conformity stood in immediate connection with the centralisation of ecclesiastical authority. It was a glorious thing to go from one end of Western Europe to another—from the harbour of Valetta, to the Fiords of Norway—from the Danube to the clustered Hebrides—and find throughout every country which lay between, one Priesthood—one Creed—one Ritual. It was a good thing to have even that faint shadow in the world, of one Lord—one Faith—one Baptism!

No mere question as to the original size of the Roman diocese, could for a moment have justified any member of this vast brotherhood in breaking its conformity. As furnishing an excuse for such a course, it was of no importance whatever whether that diocese originally comprehended the world—or only Europe—or only Italy—or only Rome—or only the gardens of the Vatican. Nothing short

of a belief that the existing conformity was a conformity of error—nothing short of an independent conviction, that what was so uniformly believed was false and wrong—could have justified any man, or any country, in disturbing the repose of the visible Church. The size of the diocese of Rome is wholly beside the question. There is no religious truth expressed in the lines of geography—in the boundaries of nations, or in the walls of towns. *Jure Divino*, of course, there was as little authority for one Priest extending his authority beyond the walls of Rome, as for another stretching it beyond the streets of Canterbury. But the reverence—the affection—the opinions, and the habits of a large part of the Christian Church, had gradually consecrated for both those Priests, a power and a position for which these were the only, and the sufficient title;—sufficient, we mean—not against those higher rights of the Christian people, for which, and from which alone, those Priests held their respective places—not against the right of any jot or tittle of Christian truth, to make itself heard in the family or in the Church—but against any frivolous or schismatic disturbance of existing order.”—pp. 239—242.

And hence he holds, that it is only in the Papal system, the sacerdotal theory can be said to find its legitimate development.

“Admit the sacerdotal theory of the nature and authority of ‘The Church,’ and we admit that from which the whole system of Romanism has been a gradual and natural development. It is possible, certainly, to maintain a successful defence against many of the specific forms of error which have belonged to the Papacy. But even this defence we have to maintain with arms, on the efficiency of which it is not safe to risk the high interests involved. Brought into ground where reason has no room to work, the fight becomes one of subtilty, doubtful in its progress, and at best but unsatisfactory in its issue. Obscure facts of history—still more obscure memories of tradition—and doubtful passages of possibly-misreported Fathers, such are the ruinous positions for which we have to keep up the most laborious contention. But are these fit defences for the citadels of doctrinal Truth? Even if some, by dint of great tenacity of purpose, succeed in maintaining them, do we not feel that others, less skilful or less determined, must infallibly be driven out? This, then, is one grand objection against the principles of Priesthood—that though despite of them, the learned and the acute may possibly maintain themselves in purity of faith, they rob the great mass of mankind of all security against the gradual but steady growth of error and corruption. If the voice of a visible government of Priests be invested with the authority of ‘The Church,’ men will accept, and ought logically to accept, that voice as it comes to them *in their own days*. They

have no time,—no opportunity,—and on those principles, no right, —to appeal from its present teaching, to its teaching fifteen or sixteen centuries ago. Divines living in the quiet courts of Oxford, may defend their Orthodoxy against 'The Church' of the sixteenth, by quoting 'The Church' of the third or fourth century. But granting that on their own theory this appeal is open to 'Churchmen,' it is clear that it is one which the great majority of the human race neither can nor will make; and therefore, that if the Truth is to be maintained at all, its interests must be trusted to some more open, and more sufficient plea."—pp. 271–2.

To the secret and unfelt working of this principle also, he attributes these extraordinary conversions, which have been the wonder of this age, and which cannot fail to extend their influence to coming generations.

"We do not believe that those men who have enrolled themselves members of the Roman Church, had any intention, at first, of doing so. We believe that, though imbued with the same principles which have been accidentally associated with the Italian City, they nevertheless distinctly saw that they had no necessary connection with it. They meant to stand apart, on denials of the Pope's supremacy, and other denials as logical, and as valueless. But when the development of those principles in their minds, opened their eyes to the identity between them and the principles which Rome had so long and so wonderfully upheld, they felt no inclination, and they had no heart to resist her charms. We do not wonder. It was hard to stand where they stood, and on a narrow point of logic, or on a false pride of nationality, to refuse to go to her. They had been led, as it were, blindfold from England, and on the Janiculum their eyes were opened! They were Englishmen; they owed no obedience to the See of Rome. But who, in such a presence, could dwell on this? They looked down on that wonderful city, which, from those heights, tells so well her history in her face. They saw her seated on a throne of ruins, but grasping in her living hand that spiritual sceptre, which has survived so many ages full of the births and deaths of nations! They saw her classic remains, her civic palaces, and her priestly domes,—the latter alone untouched by dilapidation or decay. They saw her as one mighty symbol translating their very hearts. Her power was on them—the memory of what she had been—the sense of what she is. It was needless, it was wrong, to struggle farther; they bowed their heads and their souls before her, and passed under the yoke of Rome."—pp. 256, 257.

It is as impossible to doubt the justice and solidity of these views in point of fact, as it is to avoid being struck by the vigour, ability, and simple elegance with which they

are put forward. Early in the great movement to which the Duke refers, we ourselves, ventured to predict as the necessary consequence of the principles then maintained by the Tractarians, the very result which he ascribes to their operation; and the history of the progress of many individual minds in their advance towards the truth, fully bears out the justice of the general opinion.

We have seldom seen a more manly, and at the same time, a more complete refutation of the special claim to exemption from all taint of schism, set up by Anglicans in favour of their Church, as contra-distinguished from what they call Protestant communities, than that which is contained in the following pithy paragraph.

“Do ‘Churchmen’ wish to meet the Romanist charge against Protestants, of the sin of schism? At once they have recourse to this assertion, as having the double advantage of covering themselves, and rebuking other bodies of the Reformed. ‘We did not separate from the Church. The English Reformation maintained the authority of the Church, and employed it to shake off the corruptions which Rome had introduced. We speak only of ourselves. We cannot defend the Scotch Reformation on the same ground. John Knox, we confess, separated himself and his people wholly from the Church, setting up a system of his own. You may charge *him* with the sin of schism if you choose; but we have nothing to do with him.’ Or again, do churchmen argue against those, who faithfully interpreting their own tendencies, have lately left them, and rejoined ‘The Church?’ ‘Beware,’ they say, ‘how you leave us, and go to Rome. It is schismatical in you to do so. For it was not schismatical in us to leave Rome, and constitute ourselves as we now are. We are not like other Protestants. We referred back to the Church before Rome corrupted her. They did not do so. They rejected the authority of the Church. With *them* you really would be beyond the pale of the Church. But in leaving *us* you must be led by pride of intellect, or other deceiving passions of the mind.’ In all these forms, for these and other similar purposes, we have heard this favourite assumption repeated over and over again. It is a sort of monomania with a certain party, recurring on every occasion.

“There is, however, just one unfortunate circumstance connected with this favourite assertion, and that is that it has no foundation whatever in historical fact—in short, that it is NOT TRUE. It is not true that the Scotch Reformers, in what they rejected at the Reformation, had no respect to the authority of the Church; neither is it true that the English Reformers professed to have that authority for half that accident obliged them to retain. The English Reformers, and the Scotch Reformers, proceeded upon pre-

cisely the same idea—that they ought to revert to what the Church originally was, before its government, and its doctrine, became corrupted. And if, in the result, the two Reformations arrived at different conclusions as to what its system had been and ought to be, it was not because Presbytery refused to appeal to Apostolic history and example; but rather because—more anxious to do so than English Prelacy—it refused to form its opinion from any other source than those earliest writings, in which the Apostles themselves tell what their Master ordered, and what themselves did.”—pp. 280—282.

And the Anglican claim to the character of a self-reformed Church is dissected with equal ability.

“So far, then, the English Reformation does not seem peculiarly credible in its beginnings. And how in its later stages does it countenance the pretensions of the ‘Churchmen?’ The powers of the Priestly Episcopate,—that one essential which the Reformers are said to have preserved—how did they treat it, and what value did they give it? They threw it without reserve at the feet of a layman. The monarch made, unmade, degraded Bishops. All their authority was vice-regal. It was considered as emanating from unconsecrated hands. When Henry died, Cranmer’s spiritual authority died also; nor did he consider himself entitled to exercise it again, until his commission was renewed by the succeeding Sovereign. That mechanical efficacy, however, which is supposed to inhere in Priestly Succession was, it is believed, preserved. The lay monarch made and unmade priests; but he used other priests as the means of executing his orders. The fact of succession, therefore, continued. But there is reason to believe that even this was not estimated at the value put upon it by later ‘Churchmen.’ Many of the greatest names in the history of the English Church,—of that generation especially whose minds were enlarged by intimate intercourse with foreign Reformations, in whose vigorous theology there was no room for a petty idolising of their provincial peculiarities, and whose convictions were called to stand the test of fire,—have left abundant proof that they laid no stress whatever on the virtue of succession. It is remarkable that, though it was not till towards the end of Elizabeth’s reign that the English Protestant clergy began prominently to found high claims upon it, the same doctrines respecting the nature of ‘the Church’ had attracted the notice and the censure of some of the earlier Bishops, as Popish errors which they were desirous of eradicating. Among the Articles of Religion which Bishop Hooper distributed among the clergy of his diocese so early as 1550, we find prominent place given to one touching the true conception of the Church. The object of it is emphatically expressed in its concluding words:—‘Lest any man should be seduced, believing himself to be bound unto an ordinary

succession of Bishops and Priests, but only unto the Word of God, and the right use of his Sacraments.'"—pp. 285, 286.

We are tempted to add one or two passages illustrating the Duke's views on questions more immediately affecting our own Church. There is much grace and candour in the following admission :

"Protestants have been wont to believe that the errors of Romanism are incompatible with knowledge and enlightenment. The truth of this position has been ably combated by a great living writer, who has shown, from the loss of ground which Protestantism has sustained since its first impetuous advance, that this opinion cannot be confidently relied on. And indeed, when we consider what a separate domain from every other department of human meditation, is that of religious faith, we can see how it is that great powers and great acquirements of mind have co-existed, and do co-exist, with abject submission to corrupt dogmas. Let reason be as powerful as it may, its powers are of no value where it is not allowed to enter. Reason ought not to rebel against authority, where itself is unable to arrive at truth ; but reason *must* choose between false authorities and true ; and if in forbidding it to do the first, men forbid it also to do the second, we can understand how the greatest secular learning may co-exist with the greatest religious superstition. For these reasons, we look with alarm upon opinions which confound the Priesthood with the Church, and lay greater stress on the authority of tradition, than on logical interpretation of those writings, which are at once the earliest history, and the highest authority of the Christian Church."—pp. 278, 279.

One extract more—an admission peculiarly valuable, as coming from one trained in the "morose simplicity" of the Calvinistic creed.

"We have no hesitation in expressing our own impression that Scottish Presbytery has left her house of worship needlessly bare of furniture. There are chords in our mental frame which it has been too much afraid to touch. It is true that when struck too strongly they have drowned the harmony of truth ; but there is a richness and depth of tone which is often lost when they are silent. There is a power, for instance, of which we are all conscious, in the reverential remembrance of the Great who have gone before us. The power of giving us personal interest in their virtues, and thereby adding to the intensity of our own feelings, is one of the best influences to which the Author of our being has made it subject. Why should we refuse assistance so powerful, and so near at hand ? Why should we silence a voice so much our own, yet so much better than ourselves ? In lower departments of human nature, who does not recognise its power ? Any association which invites us to the love of illustrious example, is valuable in promoting personal elevation

of character. The love of country is one which does so in an eminent degree. The citizen has no nobler birthright derived from country, than the personal property it gives him in the memory of its great men. It is thus that public and private character is raised, or if high, is to a great degree kept from falling. There is no reason why the same principle should not have equal value in the highest sphere of religion. There is no better way of remembering and understanding our own duty, than by keeping up loving memory of those who have well performed theirs. The narrow path has been trod before us; why should we shut our eyes on those who beckon us to follow? Yet Scottish Presbytery has shut up the Calendar of Saints. But St. Paul did not; and perhaps there is no passage in the Bible which gives us a more vivid impression of the spiritual privileges, of the Jewish people, than that in which this Hebrew of the Hebrews incites and instructs his brethren, by summing up that long catalogue of Saints which begins with Abel, and ends with Samuel and the Prophets. The history and the memory of these were in a peculiar degree their own. Christianity has made them ours also; and has added besides a great company of names, which we may recount, as St. Paul has recounted these. Why the saints of the New should be less valuable to us, than the saints of the Old Economy where to the Jews, it is impossible to see."—pp. 299, 230.

We should have been glad to enter into that part of his Grace's Essay, which is addressed to the Free-Church controversy. But our space is already exhausted. And indeed, we cannot help thinking that this is the least successful section of the book. There is a want of distinctness in the views, and a seeming consciousness of embarrassment in the reasoning, which go far to mar the effect of the argument, as a whole, however brilliant and conclusive some isolated parts must be admitted to be. The truth is, that we have looked in vain for any distinct and satisfactory exposition of the writer's present view, and any satisfactory exposition of the principles upon which his adhesion to the State Church is vindicated. In the discussion of the celebrated Auchterarder case, he held, that the Church of Scotland was legally entitled to reject the nominee of a patron, if the congregation refused to receive him: and that, at worst, the civil courts could only interfere so far as to secure to the nominee of the patron, the fruits arising from the benefice. In maintenance of these principles, the Free-Church has seceded from the establishment. The Duke, though he also still professes to maintain them, has remained within its pale. It is hard for him to

fight, embarrassed by such encumbrances; and it is impossible not to perceive that they have, in numberless instances, acted as a drag upon his pen, rapid and vigorous as it is.

However, this portion of his Grace's Essay may safely be left between himself and the numerous champions of the Free-Church. His views have already been warmly encountered in several quarters, and in some particulars with considerable success. To us, however, these are considerations of very minor importance. Where great principles are at stake, we should be sorry to see a mind so vigorous and comprehensive, wasting its energies upon matters of detail. If the Duke of Argyll shall ever turn to controversy again, there are indications in his present Essay which lead us to hope that he will turn to what he himself calls, citing the words of Burnet,—“the great controversy of the Authority of the Church.”

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- ART. V.—1. *A Letter to Lord John Russell*, suggesting a plan for the adjustment of the relation between Landlord and Tenant in Ireland. By Sir A. W. HILLARY, Bart. London: Wilson.
- 2.—*A Letter to the Right Hon. the Earl of Roden*, by ISAAC BUTT, Esq. Q. C. McGlashan, Dublin, 1849.
- 3.—*How to reconstruct the Industrial Condition of Ireland*. By JAMES WARD, Esq. London: Smith, Elder and Co.
- 4.—*The Irish Relief Measures, Past and Future*. By G. POULETT SCROPE, Esq. M.P. Ridgway, London, 1848. And Mr. Scrope's Letters after a tour through Ireland in 1849.
- 5.—*Thoughts on the Poor-Relief Bill for Ireland*, together with reflections on her miseries, their causes and remedies. By JOHN EARL OF SHREWSBURY. Dolman, London.
- 6.—*Two Speeches of Sir Robert Peel* on the Plantation of Connaught, delivered in the House of Commons on the 5th and 30th of March, 1849.
- 7.—*Mr. Bright's Speech* at the Manchester Financial and Parliamentary Reform Association, October 25th, 1849.
- 8.—*Crown and Government Security Bill*, and suspension of the Habeas Corpus Act in Ireland, 1848-9.

- 9.—*Massacre and Burning at Dolly's Brae*, in the County of Down, by the armed Orangemen and Police, on the 12th of July, 1849.
- 10.—*Report on the Dolly's Brae Massacre*, presented to the Lord Lieutenant by the Government Commissioner, Mr. Berwick, Q. C. Sept. 22nd, 1849, and consequent dismissal of Lord Roden and the Messrs. Beers from the Magistracy.
- 11.—*Orange Meetings convened in Dundrum*, (co. Down,) Belfast, the Rotunda Dublin, to denounce Lord Clarendon, and to present Addresses of Condolence and Sympathy to Lord Roden and the Messrs. Beers, Nov. 1849.
- 12.—*Report of the Grand (Orange) Lodge*, on the alleged arming of the Orangemen, by Lord Clarendon, and on the Dolly's Brae Massacre; *Warder (Dublin) Newspaper*, on the 1st and 8th of December, 1849.

**I**RELAND was, at a very remote period, celebrated throughout Europe as the island of saints and the school of the world. In more modern times her children, who were driven from their country by accursed penal laws, sold their swords to the enemies of their oppressors, and placed the name of Irishman high in the records of heroic daring and romantic valour. Within the last few years Ireland has achieved a new celebrity, for she is known over the whole world as the abode of a nation of mendicants, to the subsistence of whose wretched inhabitants the very Turks and Negro slaves have contributed. The failure of the potato developed the crisis of that misery and wretchedness which had been gradually increasing and multiplying for centuries. But for this calamity, the extent of the sufferings, and the depth of the degradation of the great mass of the Irish people, would never have been known in England. So long as the Irish population received a scanty supply of potatoes, they were cruelly misrepresented as happy and almost contented. But the sudden failure of this root at once laid bare, to the whole world, such an accumulation of wretchedness as was never before known to exist in a civilized country. This misery was only intensified by the failure of the potato crop; for the various poor-law reports, and the Devon Commission, have proved that, even in the best of times, a very large proportion of the population of Connaught, and of a part of Munster, something, on the whole, approximating to two millions of human beings, were utterly destitute during two or three months in the year. Millions of poor creatures

have been uniformly devoid of clothing, with the exception of a few miserable rags, which scarcely cover their nakedness, but are no defence whatever against the inclemency of the weather. Forty-three, out of every hundred families, burrow in holes in which a well reared pig would die; the door is the only aperture to let out the smoke, and let in the light and air, so long as the roof stays on; and here these wretched creatures lie down at night, hungry and wearied, haply separated from the cold damp earth by a little wisp of straw, and with no other covering than the wet rags which they wore during the day.

Formerly this picture would have been considered too highly coloured, it would have been looked upon as the offspring of an over-heated Celtic imagination. The remote districts of Ireland were as little known to the generality of Englishmen as the interior of Africa, and they seemed to believe that they had discharged all their duties towards the inhabitants of the sister island, when they subscribed liberally to some Exeter-hall mountebank, who promised to convert the papists, or that excellent remedy failing, passed coercion bills to hang them. At length, after seven centuries of possession, the English seem but to have just discovered Ireland, and some of the most intelligent and philanthropic amongst them having visited that country, their reports of its misery, destitution, and oppression, have been listened to with as much astonishment in England, as if the two islands were separated by the Pacific ocean instead of the British Channel. It is not a little instructive as to the appalling extent of the misery which exists in Ireland, that each new tourist, who is induced to visit her shores in order to test, with his own eyes, the truth of the frightful picture of her wretchedness, which has been drawn by his predecessors, is so far from finding it too highly coloured, that he uniformly declares it to be far too tame for the reality, and that no one can conceive the utter misery of the Irish population who has not actually witnessed it.

Nor is this misery any longer confined to the labouring population. The artisan is idle, the country shopkeeper bankrupt, and the farmer starving at home or risking his life in conflicts with the military and police, to carry off as much of the crop as will enable him to place himself and his family upon the deck of some ship, "reckless what shore she bears him to," so not again to his own. No

person is more strongly attached to his native land than the Irishman ; and the almost universal desire to flee from it, as if it were the plague-spot of the earth, which is nearly as prevalent in Ulster as in Connaught, proves at once the frightful extent of Ireland's misery, and the utter hopelessness of even the most hardy and industrious of her people.

When the Irishman complains of his wretched condition, he is answered with insult and contumely. If he says that he is oppressed and persecuted by a wicked faction, he is told that he deserves it because he is a papist ; if he asks for bread for himself and his little ones, he is told that a lazy and improvident Celt deserves nothing better than starvation. In a word, he is treated as an "alien, in language, in blood, and in religion." If the Catholic asserts that he is as loyal as his protestant neighbour, he is told that he is a liar, that he is a traitor in his heart, and that neither his word nor his oath will be believed when he declares his allegiance. He is treated on all occasions as a rebel, and it is scarcely to be wondered at if he becomes one. He is deeply disaffected towards that country which uniformly takes the part of his deadliest enemies, and assists them to oppress himself and to persecute his religion, the only inheritance of which they could not, and therefore did not, rob him. The natural result is, that the great mass of the Irish population is ready to follow any demagogue who will be sufficiently unmeasured in his abuse of England ; and the degree of his popularity may be accurately measured by the virulence of his denunciation of the hated Saxon. An almost equally natural consequence is, that even those measures which England intends as healing boons, are regarded with suspicion as if it were impossible that she could grant any thing which did not contain hidden poison. *Timeo Danaos et dona ferentes*, is the motto of the Irish population regarding English legislation. They have seen that legislation almost uniformly exerted to enslave and oppress, and never yielding any of their just demands until they were extorted by imperious necessity. Peel, and Wellington, declared this with regard to Catholic Emancipation ; and when in 1835, Lord Normanby (Mulgrave) was sent to Ireland, and O'Connell having allied himself with the Whigs, induced his countrymen to give up the Repeal agitation in order to try the great experiment of getting justice : a no Popery cry was raised

in England, which effectually prevented the Melbourne ministry from carrying the liberal measures which they considered necessary for Ireland. The Catholic clergy were denounced as "surpliced ruffians," and the people as the slaves of a "degrading superstition," who were only fit to be trampled on and persecuted. The breath of hatred first came from England, and then it was returned in the indignant execration of the Saxon, which was uttered by the millions who assembled in the monster meetings.

The results of this state of feeling are calamitous to England and ruinous to Ireland. England knows that she only holds Ireland by the force and at the expense of forty thousand bayonets. She knows that perhaps there never was any political writer in Ireland so popular, and at the same time so openly anxious for the downfall of the "bloody old British empire" as John Mitchell. She knows that if she should unhappily be involved in war with foreign nations, Ireland would have to be even more strongly garrisoned than she is at present. And we ask any honest Englishman to put his hand to his heart, and say if this is not the natural result of his government of Ireland. Let him suppose (if his indignation at the bare hypothesis will permit him) that a church is established in his country and endowed with enormous wealth at the expense of a population, not one-seventh of which belongs to its communion; let him suppose that the only return the people receive for their money from the ministers of that Church, is to be abused and reviled on every possible occasion with forty-parson power;—let him suppose that the pious bequests and foundations which had been left to support his own religion, and that the splendid temples which the munificent piety and the enlightened taste of his ancestors had dedicated to its worship, have been forcibly taken away and given to its enemies;—let him suppose, moreover, that the property of his country has been taken from the rightful owners, and distributed amongst a set of needy adventurers, who have reduced the population to such a state of misery, that their only hope of relief seems to be in exile or in death; let him suppose that this combination of spiritual and temporal tyranny was established, and is still supported by a foreign nation; and we ask him if he would love that nation, or if he would not hate it, detest

it, ay, and if he had any reasonable hope of success, rebel against it?

And for what does England incur all this expense and peril; for what does she perpetrate all this frightful injustice, and pitiless inhumanity? To support and foster a loyal Protestant garrison in Ireland. Let her treat this garrison for one half year as she has treated the whole Irish population on account of this base faction for centuries, and where will its loyalty be found? Nay, does it not attempt to thwart by threats of rebellion, every measure of humanity, or of justice, which the legislature intends for the benefit of the Irish people? Let a sixpenny rate-in-aid be proposed to relieve the starving peasants of Connaught, and the loyal men of Down and Antrim threaten England with a revival of the ancient kingdom of Delaradia. Let a few orange magistrates be dismissed for encouraging an illegal armed procession, which ended in the burning of a whole district, and the murder not only of innocent men, but of children, old women, and idiots, and all the orangemen, from Dublin to the farthest north, headed by the well fed parsons who fatten on the plunder of the poor, to whom they are willing to give nothing in return but lead and gunpowder, suddenly feel themselves relieved from the oath of allegiance. Orange loyalty has been hitherto a very profitable speculation. Let it cease to be so, and it will be made apparent to all the world, that in Ireland, as in Canada, it is only the mask of treason.

But in consequence of the pampering of orangeism under the false appellation of loyalty, and the oppressive tyranny which its minions have ever exercised over the country, every thing emanating from a British minister, is received with such distrust, that the word of a demagogue, however mercenary, characterless, or mendacious, is enough to damn measures in the estimation of the people, which, with amendments that would most certainly be attained if they were earnestly demanded, would be very useful to the country. It is not, however, good measures, or good amendments, that the agitator wants, but grievances on which he trades with the multitude, who often do not know even the name of the matter against which he has made them vent their deepest execration.

“His words are bonds; his oaths are oracles:

Base man to use them to so base effect!”

No Catholic, whether lay or clerical, must dare to utter a word of dissent on a perfectly free question, and one which he understands much better than those who have condemned it, under pain of being denounced as a renegade who has been bribed by the Castle to betray his religion and his country. The cry of "mad dog" is raised, and every one joins in the pursuit. The people, like all other slaves, act the tyrant when they can. Nor is there any enlightened public opinion to which an honest man can appeal. A "man of independent mind" must either remain silent or expose himself to bootless martyrdom; and hence the great majority of those who take part in Irish politics, are either the dupes, the accomplices, or the slaves of faction. Can any one doubt this who will in the first place, look at those whom Ireland has sent to represent, or rather, to misrepresent, her in the Imperial parliament,—those independent nincompoops and place-hunters, who purchased their seats by a bribe of five pounds to Conciliation Hall? This was one of the lowest steps in Irish degradation, and so it is felt, even by those who sent them there, for very few of them can be induced to take the trouble of renewing their franchise. It may be said that this is because the people despair of obtaining justice from the English parliament. Be it so; but whence arises this despair? Is it not because they see how utterly powerless and contemptible their representatives are? If the Irish Liberal constituencies sent to England a united body of intelligent and patriotic men, who sought for nothing but the good of their country, and sold themselves to no English faction, they would be aided, in a short time, by such a large body of English representatives and of the English people, that no ministry could stand which would resist their reasonable demands.—Can any one doubt our statement who will, in the second place, look at by far the larger portion of the Irish press, of all shades and colours,—a press conducted for the most part without character or ability, and whose only recommendation to popular favour, is its scrupulousness in inventing or distorting facts, to serve its party or faction, and its supple slavishness in casting itself, upon the slightest intimation, like a thoroughbred spaniel, at the feet of its master, to be caressed, scolded, or kicked, according to his humour? It is totally devoid of truth and honour, and hence, however much it may despise any popular movement, and sympathise

with those who have the honesty and manliness to express their opinion about it openly, it is sure to praise what it dislikes, and to slander what it admires.

“Smiling pick-thanks and base newsmongers  
Before whose tongues continual slanders rise.”

When, therefore, we find Ireland devoid of that enlightened public opinion which secures to every honest man the full and free expression of his sentiments—when we see the people striving to arrive at the objects which they desire, not by the broad, straight road, but by crooked by-paths,—when we see them so enamoured of political falsehood as to make them suspect a man of being their enemy merely because he speaks the truth, we are so far from being, like the great Dr. Doyle,\* disheartened by this state of things, that we are astonished that their vices are still so few and trivial, when compared with their great and solid virtues. Of them it may be truly said, that their virtues are their own, and that their vices have been caused by others. And, however Irish agitators may contribute to foster those political vices, we shall, hereafter, show that English misrule is the original sin from which they all derive their origin.

But setting political sins aside, it does the Irish immortal honour, that, in spite of every temptation, they are still eminently distinguished for their religious and social virtues. The Earl of Carlisle (Lord Morpeth) has repeatedly borne testimony in England to the superior chastity of Irishwomen, and the more patient endurance of Irishmen; Sir Robert Peel, during the last session of parliament, spoke with admiration of the sobriety and industry of the expatriated Irish whom he saw labouring in England; and

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\* See his letter in Lord Cloncurry's *Personal Recollections*, p. 460. “Perhaps,” he says, “it is owing to the state of my health that my hopes of the improvement of our country are weakened; I thought there was more intelligence and virtue among the middle classes of our people, than there now appears to me to be. Their conduct at the period of the last general election, in suffering themselves to be deceived, and then bestrode by the basest tyranny that ever established itself for any length of time in these latter ages, compels me, God knows how reluctantly, to doubt whether there be sufficient soundness in the community to render it capable of profiting by any liberal system of legislation.”

Mr. Bright, in his speech at the Manchester Reform Association, speaks of them in the following terms :

"I want to know how it is that thousands and hundreds of thousands of Irishmen, who could make no progress in their own country, succeed in the United States? I want to know how it is, that men who leave Ireland with no more than that which is necessary to carry them across the Atlantic, in a few months, or a year or two, will send back a sufficient sum of money to bring their families and their relations over? If Irishmen can get on in America, why not in Ireland? I believe a change of legislation for Ireland would, within the next ten years, bring back Irishmen from America to their native country. And as to their religion, are not the people of Belgium of the same religion?—are not the people of Lombardy? Do Irishmen, when they go to the United States, repudiate the faith they held in their native country? No. And yet the belief of Christianity, as professed by Roman Catholics, is not found in these countries to be injurious to the cultivation of land and the creation of property. But there is one class in Ireland not Catholic—the landed proprietors; they are Protestants chiefly. I ask you whether they, of all persons in Ireland, if they alone have performed their duty to their country? Are they not as deeply embarrassed as it is possible for men in their circumstances to be? And are they not held up to the eye of this country and to all the world as the class of all others which has been most grossly negligent of duties which it ought to have performed? Well, then, we will dismiss this slander upon a faith which is, I believe, professed at this moment by very much the largest proportion of those who have embraced Christianity throughout the world."

We have only room to quote one other Englishman, Sir A. Hillary. "The day is past," says he, (p. 12.) "when men will be induced to believe that the Creator of the world denied to the Celtic race the physical organization, or mental development necessary to work out his temporal happiness, and to bring within his reach and enjoyment the bounties of nature, presented to his use in the location where providence has placed him." And again,

"That a proprietary possessed of some of the most fertile land in Europe, favoured by climate and position, with an abundant supply of labour, which when removed from the demoralising influence of inadequate remuneration and want of encouragement at home, is found an efficient and valuable instrument of every description of industrial energy in the labour market of every other country, affords irrefragable proof that they have been worse than negligent of their own interests and welfare, even if no other evidence was presented, and suggests the inference that the blame rests with the

owners of the soil, although in this instance, as from the beginning, the fault is laid at the door of those who have the least chance of being heard in their defence: 'Quicquid delirant reges plectuntur Achivi.'

"I should not have urged this topic, but that it has been pertinaciously insisted that the misery of Ireland was exclusively to be attributed to the irreclamable character of the natives; at one time imputed to the taint of race; at another to that of religion. The first was a convenient excuse for the oppressions of the first settlers, who had no other difference to prefer in extenuation of their injustice. The latter was received as a most orthodox explanation, at a time when religious enthusiasm assumed its worst phase, in a fanatical spirit of social and political persecution, of which the Statute Book unfortunately presents too many examples. The first I have already disposed of—the second cannot be maintained, when the Catholic population of Belgium presents so striking a contrast to the Irish at home, in industrial exertions; when the Tyrol offers so remarkable an instance of rural prosperity and happiness; when in our own colony of Lower Canada the *paysans* exhibit the characteristics of a peaceable, orderly, and moral population; and when our own countrymen of the same religion in Lancashire and other localities where they are found to exist, display no characteristic difference between them and their neighbours. If at any time we notice the misconduct of the lower classes of that religion in this country, it is found among the immigrant Irish, who still retain impressions of the Protestant teaching of their Protestant landlords at home. If the Irish peasants are what they are often stated to be—idle, improvident, reckless, ignorant of their real interests, neglectful or incapable of converting the resources of the country to profitable use, profuse in spending their gains, and devoid of foresight in husbanding present prosperity against future adversity; if they are quick in quarrel—if in resenting private wrongs, in the choice of weapons their 'ears are more Irish and less nice,'—these qualities are but the reflex of the manners and customs of their betters, and are, in fact, an obvious illustration of the force of example."—p. 18-20.

These unexceptionable testimonies prove that the Irish people possess religious and social virtues, sufficient to make Ireland a great and prosperous nation. We have said that the origin of their political vices may be traced to English misrule, and, consequently, that English justice would cure them. Our proof shall be a brief history.

The continued refusal of England to grant any thing except on compulsion, induced the great O'Connell himself to adopt a crooked policy, and to ask for one thing whilst in reality he wanted another. This he distinctly stated in his

speech at Liverpool, when announcing the abandonment of the first repeal agitation, in order to seek for justice for Ireland. He told the story of the beggar in *Gil Blas*, who pointed to his gun whilst he asked the passengers for an alms for God's sake. He said that *his* gun was the Repeal of the Union, to which he always pointed when he asked for justice; and he added, that, like his great prototype, he was the most successful beggar on the whole road. Even the last Repeal agitation, whatever hopes might have been afterwards inspired by the monster meetings, was originally entered upon as a means of keeping out the Tories, or at all events, if they did assume the reins of government, of rendering Ireland too hot for them. And after all the monster meetings, declarations, and martyrdoms, when the desertion of the protectionists on the Irish coercion Bill drove Peel from power, he declared at a meeting of liberal members which took place in Lord John Russel's house in Chesham place, that "*all* he wanted was—justice." All his family, including John, (we do not mention this by way of blame, but simply as a fact corroborative of our conjecture,) became constant visitors at the Castle; and we are convinced that, had it not been for the outcry raised against him by the young Irishers, he would have again allied himself with the Whig ministry. From that moment the seeds of those dissensions were sown which ended in the wars of the powers, which although not quite so sanguinary, were as implacable and virulent as the wars of the roses. The death of physical force upon the plains of Ballinagarry, and of moral force in the rostrum of Conciliation Hall, or upon the floor of the House of Commons, we cannot tell which did not prepare us for the resuscitation of either, at least during the failure of the potato crop. Yet each of them has been revived just such as it was when it expired weak and impotent in everything, but as the symbol of domestic strife and the rallying cry of factions. Moral force was solemnly proclaimed at the opening of Conciliation Hall, and the orators have demonstrated one thing, that though gold is very scarce, there is no lack of brass amongst them. Sir Oracle cries out, "when I speak, let no dog bark;" and every little spouter who has swollen into the dimensions of a mob orator, takes up the tone, and speaks and writes *ex cathedra* on religion and politics. In making articles of faith, they can do more in an hour than all the Councils of the Church have

been able to effect in eighteen centuries. They can, to borrow their own language, "split the craggy rocks of theological difficulty, and scale the alpine heights of canonical jurisprudence." There is nothing too high or too sacred for their patriotic *furor*. They are ready for every thing, from the A, B, C, to the Canon Law; and from pitch and toss to moral-force manslaughter.

We really hoped that the other party would have looked for some practical measures, although their old cant about *nationality* occurring in the prospectus, made us fearful of their intentions. But all our fears have been removed by their first meeting, which, like those at the rival establishment, was a decided failure; for although the name was changed—we know not why—the old confederation resolutions were again passed into laws; and although physical force was not formally proclaimed, nothing was received with such acclamations as the allusions to Ballingarry. One of their orators—their greatest orator we believe—thanked God that they had no Gorgey amongst them. And truly they had not; for in their battle they did not even wound any body, whilst that hero stormed, not a country house with a few police, but the strongest fortresses in Hungary, and measured swords not unsuccessfully with the most experienced generals and the bravest armies in Europe. To hear these orators, one would imagine that Ballingarry was the Marathon of Ireland.

Ireland is at present almost in the last stage of consumption; and the only remedy prescribed for her by both parties is *bleeding*, to be continued,—say for fifty or a hundred years. No one doubts that her cure must be speedy, in order to be efficacious; and yet, gracious Heaven! we find one set of her consulting physicians prescribing as her only remedy, a Repeal of the Union, to be obtained by moral force; and the rival party prescribing some equally unsubstantial moonshine, which, we suspect, is all the same in the Greek, but which in the vernacular of its authors is dignified by the name of nationality. Be it remembered, that we are not writing against the justice or the policy of a Repeal of the Union. Nothing could be farther from our thoughts. But we denounce its present agitation by two rival factions, the primary—we had almost said the sole—object of each of which is to put down the other. "Step in, step in, gentlemen," cry the rival showmen; "admission by the year for the small

charge of one shilling." "Here," cries the one, "is the youthful phenomenon;" "This," roars the other, "is the real original Jarley." It is the greatest insult that ever was offered to a nation writhing in the agonies of death, to tell her that she shall be cured when one of two rival clubs shall eat up the other, and then carry the Repeal of the Union—and not till then. Both the parties which are at present talking about Repeal, know that they have just about as much chance of being satisfied as the child who cried for the moon. No one can tell what changes may or may not occur in one or two centuries, or even in a much shorter period. The British Empire will one day share the fate of all its predecessors, and go to ruin; and then, when "the nations are fallen," Ireland may be found young, glorious, and independent. But whenever a Repeal of the Union, or a separation from England takes place, the present miserable penny-a-week collections will have no more to do with it than with the making of Bryan O'Linn's celebrated breeches. However, some of its abettors will say, Although it will not gain Repeal, it will get something else. This is the old miserable system of falsehood, which has so infected the people, that if a man dares to tell the truth, he is at once set down as an enemy to his country. To prove himself a patriot, he must first prove himself a liar. This mode of proceeding has been now in full operation, with the exception of some brief intervals, for the last twenty years. During this period the people have made the most tremendous sacrifices, and what have they got in return? Absolutely nothing. Had the same sacrifices been made, and the same amount of enthusiasm and of energy been exerted in seeking for the just distribution of the temporalities of the Protestant Church, and for the equitable adjustment of the relations between landlord and tenant, the concession of either of which would have been hailed by the projectors of the Repeal movement as more than realising their most sanguine expectations of its results: these and many other healing measures would be now the law of the land, and the people of Ireland would be contented and prosperous, instead of being deeply disaffected and the most miserable on the face of the earth.

But the present movements cannot even plead the miserably apology of having for their object to frighten England into justice, unless she be as easily alarmed as

the child who is afraid that his puddings will pass out through the pin-scratch upon his finger. If they were merely a farce, we would laugh at them; if they were intended only to "raise the wind," we would pass them by in silent contempt. But neither hypothesis can be entertained; for the few huxters and clerks who occupy the stage invariably commence the proceedings by informing pit, boxes, and gallery, that there, within those awful walls, are assembled the people of Ireland;—that the eyes of the nation, of Europe, of the world, are upon them;—that the future destinies of the country depend on that meeting;—that every lover of freedom will join in its ranks;—and, that whoever opposes it is the enemy of liberty. This is the language of both the rival gatherings, in each of which, we freely admit, there are honest, disinterested, and patriotic men; but in neither of which is there a single man qualified, either by genius, eloquence, or station, to combine the power of the country; whilst, for this great work, the chiefs are especially disqualified, as their chief achievements have hitherto been the success with which they have created dissensions amongst the people, paralysed their strength, and left them helplessly at the mercy of their enemies. This is what has caused those twin monsters, the Established Church and Orangeism, to cast aside the mask of moderation, and at the very time when the Irish people might ensure their overthrow by united action, to publish speeches and addresses as full of infernal intolerance as if Oliver Cromwell, and not Queen Victoria, still ruled in Ireland. The professional agitators are the best friends of Orangeism, Landlordism, and Statechurchism in Ireland; because, they oppose them in such a manner as to offend, disgust, or render apathetic a vast number of the independent, enlightened, and rational men in England as well as in Ireland. As if they were afraid that any thing should be done for the country, they invariably cry out, when any good measure is even talked of, "You may grant this if you choose; but remember, we will never be contented with any thing less than a repeal of the union. Nay, if you be so foolish as to grant this measure, we will use it as a step to reach repeal." Two results inevitably follow such a declaration; first, that scarcely any persons but repeal agitators any longer support the measure; and second, that it will never be obtained so long as such impostors are allowed to represent themselves as the expo-

nents of the popular will. It is absolutely necessary that the people of Ireland should at length manfully shake off this base thralldom: if they would save themselves, and regenerate their country, they must *cease* to be either its accomplices, its dupes, or its slaves: they must not ask what they know they will not get; but demand those practical and necessary measures which will combine in their support every truly liberal man in Ireland, and which shall be recommended to England, not only by her love of justice, (which is not very great), but by her love of mammon, which is prodigious. John Bull has at length seen the miseries of Ireland through golden spectacles, and it will certainly be a very cherished abuse for the preservation of which he will pay another eight or ten millions.

The first thing necessary for Ireland, is *perfect religious equality*. The Orange ascendancy can be tolerated no longer. The Dolly's Brae tragedy, and the yell of triumph raised by its partisans over the burning cabins of the peaceable inhabitants, and the bleeding corpses of innocent childhood, decrepit old age, and helpless idiocy, has at length opened the eyes of the people of England to the savage atrocities of Orangeism. But if the government imagine that they shall have done their duty by passing an anti-procession act, they are the shallowest politicians in the world. Party processions are but the periodical eruptions of that volcanic fire which always burns, although it is not always visible, and consumes the very heart of society in Ireland. The paramount duty of the government, is to give the people of Ireland, (what they never yet have had,) full confidence that the law will be fairly and impartially administered. Until this shall have been done, the people never will be contented, nor the country peaceable and prosperous. And can any impartial man expect that this should not be so? We do not ask him to remember the penal code, which was written in letters of blood, but we do ask him to go back as far as the 17th of March, 1849, and to reflect for a moment on the party conflicts and manifestations which have taken place within that brief period. Every one knows that there are two societies in Ireland, one of which is called the Ribbon, and the other the Orange society. The former, though composed exclusively of Catholics, is not led on by the Priests. There is not a bishop in Ireland who would not instantly suspend any priest who would either become a Ribbonman, or in any

way countenance a Ribbon procession. It is a well-known fact, that the Catholic bishops will not allow the sacraments to be administered to any member of this society, unless he shall have previously renounced all connexion with it, and that the Catholic clergy impress this fact upon their flocks, and denounce the whole system from their altar. Moreover, no Catholic above the grade of a servant boy, or a low mechanic, was ever seen in a Ribbon procession, or known to be a member of the Ribbon society. Oh! if a Catholic magistrate were discovered to be a Ribbonman, what a tempest we should have! He would be looked upon as the beast in the Apocalypse, and no government would dare to continue him for a day in the commission of the peace.

The Orange lodge, though it also embraces the rabble, is however, by no means confined to that class, for most of the gentry, landlords, and magistrates, and almost all the parsons, belong to it. The magistrates perform double duty on procession days, for they lead the Orangemen, and command Her Majesty's troops, whilst the parsons (many of whom are also magistrates) harangue the mob upon the atrocities of Popery,—tell their followers that all the evils of Ireland—the potato blight included—are to be attributed to that monster of iniquity, and finally exhort them to put their trust in God and the Bible, and to keep their powder dry. Can any man believe that these magistrates will act impartially or justly in case of a collision?

On the 17th of March last, a Ribbon mob, partially composed of armed ruffians, marched through the village of Crossgar, in the county of Down. There they were opposed by a mob of armed Orange ruffians, who refused to allow them to proceed. A police force and several magistrates were present. It never occurred to the magistrates that the Ribbonmen were a perfectly legal body, and that the Orangemen were the aggressors. On the contrary, both the police and Orangemen attacked the Ribbonmen, nor did the magistrates hesitate to grant informations against every member of that body who could be proved to have been present. Now mark the contrast.

An armed Orange mob assembled on the 12th of the following July (1849,) and marched to Tullamore park, the seat of the Earl of Roden. They had already, in the morning, marched through a Catholic district, called Mayheramayo, and over Dolly's Brae, a place over which the Catholic

population generally considered it a point of honour to prevent them from marching, on account of a murder which the Orangemen had committed there formerly. The Orangemen had had a triumph in the morning, they had another and a better road home, and Lord Roden, as well as the other Orange magistrates, were told that if they attempted to return by that road there would be a bloody party conflict. They were indeed advised by Lord Roden to conduct themselves peaceably, but neither he nor any one else said a word to prevent this armed banditti, heated with beer and exercise, from marching—under the leadership of magistrates, who have since pronounced the burning of the houses of peaceable inhabitants and the slaughter of a few papists, including even harmless idiots, to be a thing to be gloried in—directly to the place where it was known their adversaries had assembled to oppose them. This advice was like throwing out a fire and telling it not to burn, or like a famous one given to another mob, “boys, don’t break Castlereagh’s windows.” When it was perceived that if they advanced a collision was inevitable, according to the precedent furnished at Crossgar, and, indeed, according to the principles of common sense, the Orangemen should have been obliged to take the other road. It is not wonderful that this mode of proceeding did not suit the views of the Orange magistrates, but it is very strange that one of the stipendiaries, who was sent especially to prevent any violation of the peace, swore that such a wild idea as that of sending back the Orangemen never occurred to him. This is very like a story told of Sir Isaac Newton. Being one time seated so close to the fire that he was in danger of being burnt, he roared out lustily to his servants to get a mason instantly to remove the chimney further away. In his abstraction it never occurred to him that he had only to push back his chair. The Orangemen therefore, divided themselves into two parties, one of which supported the magistrates and police in their assault on the hill, whilst the other, covered by a body of dragoons, burned the houses and murdered the people in the neighbourhood. A good many Catholic prisoners were made, but of course, not one Orangeman was taken into custody; and, indeed, one of the stipendiary magistrates takes great credit to himself for having saved a girl’s life, by pushing aside the gun of a ruffian who was in the very act of pulling the trigger. Of course, it never

occurred to him to capture the murderer, or even to identify him. And yet the Catholics are expected not to be disaffected, and to have full confidence in the protection of the laws.

No comment of ours could heighten the picture of the Dolly's Brae massacre, which is conveyed in the calm and temperate report of Mr. Berwick, the government commissioner. We shall accompany our brief extract from this report by the comments of the Rev. Mr. Trench, Incumbent of Cloughjordan, because this will enable us at once to describe the massacre in Mr. Berwick's words, and at the same time to give the opinion of a Protestant clergyman, as to the conduct of those parsons of the Establishment who everywhere led the van in those meetings which assembled in a christian land to proclaim their sympathy with the Dolly's Brae murderers, and to glory in that dark and atrocious deed of blood. "You," says Mr. Trench, addressing Dean Murray, Mr. M'Ilwaine, and Dr. Drew,—the roaring megs of the Belfast meeting,—“here applaud a woman for leading the way forward—to what? To the perpetration of the deeds thus described by Mr. Berwick, the commissioner appointed to investigate the case, and whom I know to be a truly impartial judge, ‘one little boy, ten years old, was deliberately fired at, and shot, while running across a field. Mr. Fitzmaurice stopped a man in the act of firing at a girl, who was rushing from her father's house; an old woman of seventy was murdered; and the skull of an idiot was beaten in with the butts of their muskets. Another old woman was severely beaten in her house, whilst another, who was subsequently saved by the police, was much injured, and left in her house, which had been set on fire; an inoffensive man was taken out of his house, dragged to his garden, and stabbed to the death by three men with bayonets, in the sight of some of his family.’ Dear Sirs, are not these the deeds of fiends rather than men? My fullest persuasion is, that you have been instigated by Satan to do an injury to the cause of truly religious Protestantism which a century cannot repair; and what is of very inferior moment, you have helped forward the destruction of the Established Church to the heart's content of its greatest enemies.” Yet the Protestant clergy have proclaimed from the rostrum in Belfast and in Dublin, that the Established Church approved of these deeds of

blood, whilst the attempt of the three or four christians in the body, who seem so much out of place, that like flies in amber, "we don't know how the devil they got there," to get up a counter manifestation of opinion, has ended in such a complete failure, that it has proved to the whole world that the fiercest firebrand is the most faithful exponent of the sentiments of the parsons. And yet the Catholics are asked to starve contentedly, and pay these men; thus fulfilling the gospel by returning good for evil.

A few days after the massacre, a public dinner was given in Downpatrick to the Orange magisterial leader, Mr. W. Beers, who conducted himself so gallantly at Dolly's Brae. At this dinner the High Sheriff of the county Down presided; and Beers, in returning thanks when his health was proposed, called the massacre a "little blot;" but he has since published a full retraction, and declared that it is a thing to be gloried in. Several Orangemen were identified as having marched with arms in their hands in the notoriously illegal procession on the 12th of July, which ended in so much bloodshed; and sworn informations were tendered against them at the petty sessions held in Castlewellan, (the nearest town to Dolly's Brae). But the Orange magistrates, three or four of whom were parsons who do not usually attend those petty sessions, and who therefore attended specially on this occasion, in spite of the opinion of the Attorney-General and the speech of Mr. Berwick, Q. C., rejected the informations, Lord Roden himself most disinterestedly and impartially acting as chairman upon the occasion. It was indeed most unreasonable to ask the officers to call for a court martial upon the gallant troops whom they had themselves drilled, armed, fed, and led into battle. Lord Clarendon, however, after a most patient investigation, conducted by Mr. Berwick, Q. C., had the manliness and honesty to dismiss Lord Roden and the Messrs. Beers from the commission of the peace. Take care, my Lord Clarendon. Are you aware that the murderers were loyal protestants, and that they only shot a few papists? The thing is not to be borne. "Come," says that able and enlightened man—that modern Solomon—the Marquis of Downshire, "let us hold meetings, and tell his excellency a thing or two." Accordingly a meeting, composed of eight individuals, is held in Dundrum, and large gatherings take place in Belfast and in Dublin. In the Belfast meeting the noble

Marquis is in the chair, and being a profound lawyer, tells the meeting that there is *no law but statute law*. It would be a nice question to ascertain if he knows the difference between statute law and statute acres. We are delighted to find he is equal in intellectual acquirements to his gifted ancestors, for we remember that his noble father made a speech at an agricultural dinner in Dundrum, in which he recommended all farmers to get iron ploughs; "because," said he, "they will last for ever, and when they are done, you can make horse-shoes out of them."

It is, however, to the harangues of the Orange parsons that the meeting in Belfast owes its chief celebrity. We never read in our lives anything at once so ferocious, sanguinary, and indecent as the speech of the Dean of Ardagh, an old man of eighty, who is tottering on the verge of the grave. He gloried in the Dolly's Brae massacre, and told, amid great applause, a story about two young girls, one of whom snatched up the Orange flag when the men wavered, and led them on to the charge, and the other cut up her petticoat to make wadding. And this very reverend man "concluded by calling on his protestant friends to show by *their acts* the faith they professed; to go home and *read their Bible*, that safeguard and preserver of their liberties, and beg of God to give them that knowledge which would lead to *eternal salvation*." The Rev. Mr. M'Ilwaine followed in a similar strain. He declared that the sooner they had the contest for existence the better; that if the fifth of November was commemorated, he would read the prayers, and that though he desired not to handle the carnal weapon, for he was a minister of the gospel, he was nevertheless prepared to die nobly on the field of battle. Having thus duly announced what Mr. W. Beers very properly calls the blood-consecrated principles of protestantism, it only remained for the meeting to make the usual protestations of loyalty, and then to conclude with the doxology. Parson Saurin, the Archdeacon of Dromore, was the organ on this point, not only of the Belfast meeting, but, if we can believe his words, of the whole brotherhood; for he declared, that if there was a rebellion on the very confines of Ulster, the *loyal* Orangemen of that province would not stir hand or foot to oppose it. That is, the Orangemen were loyal so long as loyalty was the most profitable thing

going—so long as it gave them a license to indulge all their bad passions, by shooting, robbing, and plundering their neighbours—but the moment this license is withdrawn, they declare that their loyalty has evaporated, and that nothing would please them better than a rebellion. So writes a protestant rector, the Rev. Wm. Caulfield, from Killarney. He calls the harangues of the Dean of Ardagh, Archdeacon Saurin, and the Rev. Mr. McIlwaine, violent and uncharitable, “in which, to say the least of it, if they do not advance open rebellion, it is something very like it.”

We could almost rejoice at the Dolly’s Brae massacre, because it has been the means of revealing to the people of England, the true nature of Protestant ascendancy in Church and State as it exists in Ireland. Its lay and clerical leaders have thrown aside the mask of loyalty, under which they so long concealed their rapacity, injustice, and oppression, and have thus deprived its supporters of the only pretext which could be urged in its favour—its exclusive loyalty in the midst of a disaffected population. But since this pretence has been scouted by the parties themselves, can any government entrust the administration of justice, or the selection of juries, to men who glory in the massacre of their fellow countrymen? No man who allies himself with either the Orange, or the Ribbon factions, which have been so long the curse of the country, can hold impartially the scales of justice. We hold it therefore, to be the clear and paramount duty of the government fearlessly to dismiss from the commission of the peace, every man who associates himself with, or countenances either the Ribbonmen or the Orangemen. Moreover, the parsons have proved themselves to be as unfit for the magistracy as the priests. The language of the men whom the state has uniformly pampered and supported, has far outstripped in bigotry, truculence, and treason, the language of the men whom the state has as constantly persecuted. Indeed, the array of parsons who assembled at Castlewellan, to defeat justice and screen murder, would alone suffice to prove how unreasonable it would be to expect that the Catholics of Ireland can repose any confidence in the laws, so long as they are administered by such hands.

In party cases in the north of Ireland, the Catholics have not confidence even in trial by jury. Twelve Orange-

men are empanelled, and they acquit their brother Orangemen, which we have no doubt twelve Ribbonmen would do if they got into the jury box, (where they have as much chance of getting, as into the moon.) In the celebrated county of Down, some Orangemen, about eight or nine years ago, murdered a catholic named Mac Ardle, not far from Dolly's Brae, in the most brutal manner. They were tried at Downpatrick, and prosecuted by the Attorney General, (now Chief Justice Blackbourne.) The case was proved so clearly against them, that Lord Elliott, (now Earl of St. Germain,) who was then Chief Secretary for Ireland, declared in his place in the House of Commons, that, looking at the speech of the Attorney General, and the Judge's charge, he did not see how any one could doubt as to their guilt. Yet the jury acquitted them, and an Orange mob received them on leaving the dock, with as much triumph as the recital of the Dolly's Brae massacre called forth from the sheriff, magistrates, and persons who assembled to celebrate it in Downpatrick, Belfast, and Dublin. What confidence could any Catholic have in a jury selected by such men as Mr. Keown, the late Orange sheriff of Down, who presided at a dinner given to Mr. Wm. Beers, in which that hero described the Dolly's Brae massacre as a "little blot?" It will prove a most miserable and abortive effort to do justice to the Catholic, and to make him look for justice and protection from the laws of his country, if the government stops short by passing an anti-processions act, and still leaves him at the mercy of the Orange sheriff, the Orange magistrate, and the Orange parson. A wise and a brave government would sweep away all those nuisances at once; and although a vast quantity of treason would be spouted, we are convinced that within one year Ireland would be freed from the curse of religious hatred. If the Catholics saw that the laws were impartially administered, no large body of them could be incited by interested agitators to associate together for the purpose of perpetuating religious strife. And the Orangemen would be prudent enough not to provoke the Catholics, if they did not expect that the police and soldiers would charge on their side. The well grounded hope that they would do so made them attack Dolly's Brae on the 12th of July last, and the fear that they would have to fight their own battle, kept them peaceably at home on the fifth of November. The Catho-

lics are far the most numerous party even in Ulster, they are just as brave, and now very generally as well armed as their adversaries; and we venture to predict, if the commission of the peace be not left with parsons, or with Orangemen, to marshal the Queen's forces on the side of their friends, there will be no more party conflicts in Ireland.

But although what has been hitherto done falls far short of what we think the Catholics of Ireland have a right to demand; we can assure Lord Clarendon that the great majority of that body feel deeply grateful to him for his noble and manly conduct in dismissing the Messrs. Beers, and Lord Roden. The base and factious coalition of a portion of the press which pretends to be Catholic, with the most noted advocates of Orangeism, in their attacks upon the Lord Lieutenant for doing an act of justice to the Catholic body, betrays its treachery to the cause which it pretends to advocate. Whether its present conduct be the effect of an Orange bribe, or of Orange predilections, matters not: it is certainly playing the evening's game to the best of its ability.

The charge that the Lord Lieutenant had armed the Orangemen, was originally advanced upon the authority of Major Forrester, Captain Kennedy, and Colonel Phaire, who were said to have been his excellency's agents in the transaction. It is not a little characteristic of the system of humbug, so profitably carried on in Ireland, that at the time the charge was made, the first of the witnesses was dead, the second in India, and that the third indignantly denied that he ever knew of one penny having been advanced by the Lord Lieutenant to arm the Orangemen. The first witnesses, or such of them as could be got at, having not only refused to sustain the charge, but having, moreover, pronounced its concoctors to be guilty of deliberate falsehood; they appealed to another kind of evidence, and swore that they would prove the charge to be true, under the hand and seal of Lord Clarendon himself. The Orangemen have the documents, said they, and "haith they'll prent them." The Grand Lodge met at Tommy's Hotel, Dublin, and commenced business by voting addresses conceived in the true Cromwellian spirit to Lord Roden and the Messrs. Beers. Still it was very hard to screw out of it the Clarendon papers, and the assailants of the Lord Lieutenant discovered that it would

be useless to publish documents, no *further* evidence being required to prove that he had armed the Orangemen; the only testimony on the subject being the assertions of orange and green newspapers, which mutually quoted and re-lied on each other, and that of their own witness, Colonel Phaire, who declared the whole statement to be a deliberate falsehood. After a little Lord Clarendon was accused of having entered into a compromise with the Orangemen, to conceal documents which could do him no possible injury, as they could not make the case against him clearer than it was already. The magistrates whom he had ignominiously dismissed, were to be parties to the compromise, without even, gentle souls! exacting, as the first article of the agreement, that they should be restored to the commission of the peace.

At length, after a fortnight's hatching, the Grand Lodge brought forth its report, and certainly we are not astonished at the reluctance with which it was allowed to see the light, for it puts one thing beyond all doubt, that Orange goslings are no swans. No man of common sense could hesitate for a moment in believing, that if the Orangemen had documents that would hang Lord Clarendon, they would have at once produced them, so cordially do they detest him for not doing the very things of which he is accused; for not arming the Orangemen, and especially the yeomanry of the north; for withdrawing from the body the exclusive enjoyment of Castle favours, and for disparaging their loyalty in the eyes of the whole empire, by dismissing their leaders from the commission of the peace. The Grand Lodge has laboured might and main to prove that Lord Clarendon authorized an exclusive armament of Orangemen as such. So lame, so miserable, so paltry, so impotent an attempt to justify the magniloquent things that were promised to be brought forth when the lock should be taken off the strong box, which contains the secrets of Orangeland, was never before witnessed in the world. "The Report of the Grand Lodge," which, "like a wounded snake, drags its slow length along" in the columns of the *Warder*, proves that the persons who drew it up are alike devoid of the taste of scholars and the feelings of gentlemen. But the real value of the report consists in this, that it proves the precise amount and value of Orange loyalty, and the confidence which a

government can repose in it, in case of any future rebellion in Ireland.

When, during last spring, the contagion of the continental revolutions had infected a portion of the Irish people, the government called upon the Orangemen to come forward at this critical time, and declare that loyalty of which they were so fond of boasting. Did they come forward like men of spirit and of honour? No, but like miserable huxters, to sell their mercenary loyalty. This was the time to bring it to a good market, and they accordingly prepared an address to the Lord Lieutenant, in which they expressly demanded a recognition of Orangeism as the reward of their loyalty. The address reflected severely on the government for not having hitherto practically carried out Orange ascendancy in its conduct. They imagined that Lord Clarendon would not refuse their demands, because, in case he did, they would publicly declare that they would not assist him in case of an outbreak, and thus his government would be left without any party at all in the country. Their organs had actually threatened that they would join, in case of refusal, the ranks of the revolutionists. Yet he so bravely and resolutely refused to ally himself with Orangeism, that the Grand Lodge thought it prudent to abandon their first demand; but as they were determined not to become loyal for nothing, they insisted that they should, at all events, receive arms gratuitously from the government, and that they would "accept of 500 stand, or the means of purchasing them, by way of instalment." Yet this *ultimatum* was peremptorily rejected by Lord Clarendon. On the 22nd of April, Colonel Phaire had an interview with Lord Enniskillen, the Grand Master of the Orangemen, who stated in the presence of the Deputy Grand Secretary, "that having had a conversation with Lord Clarendon, he *had not succeeded either in procuring arms or securing such an answer to the address as the Orangemen desired.*" Thus in a *private*, we do not say confidential interview with the Grand Master of the Orangemen, in which the Lord Lieutenant would show himself as favourably disposed towards the body as possible, and in which, considering the perilous circumstances in which he was placed, he would not conceal any concessions which he was prepared to make, he distinctly and emphatically refused to recognise it, either by word or by act. Did he ever afterwards

retract this refusal? The report of the Grand Lodge distinctly proves that he never did. The report proceeds immediately after the words last quoted from it: "A resolution was then agreed to, with the view of proposing it at a meeting of the Grand Lodge of Dublin, to be held that night in case the *government* should persist in refusing to give arms." The narrative is so clumsily put together, that the parties whom it represents as having "agreed to the resolution," are Colonel Phaire, Lord Enniskillen, and the Deputy Grand Secretary of Ireland. But it matters not by whom it was originally "agreed to," as we shall see that at all events, before five o'clock in the evening, it was adopted by the United Chiefs of the Orangemen of Dublin and of Ireland. This resolution has been designedly suppressed in the Report, and the reason is, that it was of so disloyal a character that they are afraid to expose themselves to the execration of the empire by publishing it. Let them print it if they dare. It was hoped that this treasonable resolution would terrify Lord Clarendon into submission to the Orangemen, and for this purpose Colonel Phaire was desired to communicate it to him through Major Turner. On his way to the castle, Phaire met Captain Kennedy, who *requested* to be entrusted with the resolution, promising to convey it to Major Turner. It would appear that Phaire shortly afterwards saw Major Turner, for on his return to the Orangemen he stated, "that Major Turner had gone to the Lord Lieutenant, and that it had been settled that Major Turner should have an interview with Lord Enniskillen and other brethren about five o'clock that evening." Before the hour appointed, Lord Enniskillen, the Deputy Grand Secretary for Ireland, and the Grand Master of Dublin, met together at the house of the Grand Secretary of Dublin, when it was agreed amongst them, that *the* resolution should be passed at the Grand Lodge that night, unless one of the following alternatives was accepted: "that arms should be given; or that their address should receive an answer, recognising them as Orangemen. Colonel Phaire now introduced Major Turner, who was waiting outside by appointment. A meeting was then held between these six persons, but it was under an obligation not to divulge the conversation which took place. The result, however, was, that Major Turner, accompanied by Colonel Phaire, went away with the decision of the meet-

ing." All these transactions took place on the memorable 22nd of April, the day on which Lord Clarendon had told the Grand Master to his beard that he would not recognise the Orangemen, either in answering their address, or by arming them; and it is manifest that notwithstanding the resolution, neither Major Turner, nor Colonel Phaire, were authorised by the Lord Lieutenant to retract that answer in the conference which took place at the house of the Grand Secretary of Dublin at five o'clock; because if the Orange terms had been acceded to, the negotiations would have been at an end, whereas Turner and Phaire went away with the *decision of the meeting*. Up to this period, therefore, the Orangemen had received nothing but rebuffs from Lord Clarendon himself, and his aidecamp Major Turner. Indeed, the Orange Report does not even pretend to say that Lord Clarendon retracted the refusal which he had personally given to the Grand Master; it does not pretend that Major Turner, Colonel Phaire, or any other man retracted it in his name, but simply puts down a letter addressed to Colonel Phaire by Captain Kennedy, an officer of Engineers, who held no situation about the Lord Lieutenant's person, who had never been authorised by him to confer with the Orangemen, and whose letter is so far from insinuating that he is now acting on the part of Lord Clarendon, or that he has been authorised by that nobleman to advance six hundred pounds to arm the Orangemen, that he distinctly declares the contrary, because he states that this money is to be derived from a subscription which he has set on foot for the purpose of supplying arms to the well affected of the lower classes. Here is the letter: "Dublin, April 22, 1848. Dear Colonel, I have set on foot with others a subscription, supplying arms to the well affected amongst the lower classes, for the protection of life and property in the city of Dublin: and I take upon myself the responsibility as far as 500 stand, in case the subscription should fall short of that, of furnishing that number. I shall adopt any course which you recommend to expedite the supply of those 500 stand of arms in the shortest time. Your's faithfully, T. J. Kennedy." Two days later an order to purchase the arms was sent to the Grand Secretary, and cheques for £600 to David Stuart, the Grand Master of Dublin. Dublin having been proclaimed before the last case of arms reached Dublin, it was seized,

and the matter having been reported to Colonel Browne, the head of the police, he gave the following order for its restoration: "August 9, 1849, Lower Castle Yard. The police have directions not to interfere with Mr. David Stuart while conveying thirty stand of arms from the Queen's stores to his residence, No. 60, William Street. E. Brown, Commissioner." Now, regarding this whole transaction, it is to be observed, first, that previously to the 22nd of April, a Defensive Association, including persons of all creeds, had been formed in the city of Dublin for the protection of life and property: second, that Captain Kennedy, who was especially engaged in preparing for the defence of the city, in case of an outbreak, was an active member of this Association; third, that the Orange Report itself admits, that a subscription for the purpose of arming the well-disposed amongst the lower classes had been commenced about the 22nd of April, and that one gentleman had put down his name for £50, who was, however, never called on for the money; fourth, that the Report also admits that Captain Kennedy *alone* appears in the transaction about the arms; fifth, that all parties were arming at this period in Dublin; that the organs of insurrection advised the poor man to sell his spade and buy a pike; that the well affected were sorrowfully preparing for the worst; and that the *Grand* Orangemen only differed from their neighbours in this, that they begged their arms instead of buying them; sixth, that after Dublin had been proclaimed, a license to keep arms was not confined to the Orangemen, but was willingly given to all well-disposed persons; seventh, that Lord Clarendon, in his answers to all public addresses, distinctly opposed all exclusive armaments; that in reply to the demand for arms made by the Orangemen of Down and Antrim, the commander-in-chief, Sir E. Blakeney, informed them, that arms would be kept in the Belfast and Carrickfurgus Depots, and that they would not be given out except in case of an actual outbreak; eighth, that the Lord Lieutenant, in his private interview with the Grand Master of the Orangemen, distinctly refused either to recognise or to arm that body; that he confirmed this answer by his aidecamp, Major Turner, in spite of *the* resolution; and that he never directly or indirectly retracted it by word or deed. Thus the Report of the Grand Lodge, which was drawn up for the express purpose of proving that the Lord

Lieutenant authorized an exclusive armament of the Orangemen, is so far from succeeding in its object, that no candid man can read it without completely exculpating him from that charge. But we are not obliged to rely upon indirect evidence, however clear and conclusive; for we have the positive and public declaration of Lord Clarendon himself, conveyed authoritatively through the columns of the government organs, both in Ireland and in England, that Captain Kennedy's communication to the Orangemen was made without his knowledge or concurrence; and that he never, either before the 22nd of April, 1848, or afterwards, supplied one farthing of the £600 which was advanced to buy them arms. The *Evening Post* says, he "has authority to state, that the £600 was neither directly nor indirectly advanced or repaid by government to Captain Kennedy, nor were the arms furnished directly nor indirectly by government." The *Times* is equally explicit: "Neither Lord Clarendon," he says, "nor the government contributed a farthing of that money, or had anything whatever to do with the offer. His Lordship did not *hear* of it till some time afterwards." The *Times* adds, that the money was most probably supplied by Sir Charles Napier. We were never in the Castle in our lives, we never spoke one word to Lord Clarendon or to any of his officials; but we have been assured by a gentleman of high station and most unimpeachable veracity, that the Lord Lieutenant declares, as emphatically to his private friends as in the public journals, his utter ignorance of the transaction between Captain Kennedy and the Orangemen until long after it had occurred. Our informant says that the £600 came from Sir Charles Napier, and that he advanced £200 more in furtherance of the objects of the Defensive Association. We do not desire to prove anything by this anonymous authority, except what every man of common understanding must admit, that Lord Clarendon would not subject himself to the utter contempt of even his meanest acquaintance, by acknowledging in private that he was guilty of that which he denied in public. We have never heard any one venture to assert that Lord Clarendon was not a man of honour, or that he would be capable of uttering a deliberate falsehood; and on a matter of which he cannot be ignorant, we do not believe that the veriest political bigot can prefer to the public and private declarations of the Lord Lieutenant of

Ireland, the inuendo of an Orange lodge, or the foregone conclusions of partisan newspapers. Even Lord Clarendon's enemies must admit that he possesses a great deal of political sagacity; and yet, leaving every principle of honour aside, he must be a downright fool, if, with the example of the Orangemen before him, who, according to his accusers, were his sworn and trusted friends last April, and who are now publishing to the world every word which he whispered privately into the ear of the Grand Master, he could authorize newspapers to deny facts which could be still proved by at least two living witnesses, (Colonel Phaire and Captain Kennedy), with one of whom he could have held no communication since the Grand Lodge preferred its charge against him. If the Orangemen could have proved that Lord Clarendon had contributed the £600, it would indeed have damaged his character, not only as an honest man, but even as an able politician; but considering the way in which it was given to them, they would have still utterly failed to establish their assertion—that they had forced him into a formal recognition of their body. The money came to them, not as from the Lord Lieutenant, but as a subscription which they *knew* to have been actually commenced by Captain Kennedy, who *alone* they admit appears in the matter; and the *Grand Orange Lodge of Ireland* literally put up its loyalty to auction, and it was knocked down for the paltry sum of £600.

It is made a grievous charge against the Viceroy by some of the liberal Journals, that he held any communication with the Orangemen. Of course his accusers would not accept of their services. Why, at this very time when any intercourse with them on Lord Clarendon's part was such a heinous crime, there was not a day in which his accusers did not parade the accession of some Orange repealer, and strive to persuade the poor dupes whom they were goading into rebellion, whilst most of them took care to keep themselves safe, that the Orangemen would be their trusty allies in the hour of danger. The Lord Lieutenant would have been a traitor to his sovereign and an enemy to the people, who were so scandalously misled, if he had not attempted to enlist on the side of order every man who professed himself to be loyal. It does him great honour that, even in this perilous crisis, he never compromised himself in the least; and that, after searching all the

archives of Orangeism, the only documents at all traceable to Lord Clarendon, are answers to loyal addresses from the Orangemen of Portadown, and of a place in Tyrone, which had been published in the newspapers so long ago as March, 1848. The utter failure of this trumped-up charge against him, in spite of the united efforts of Orangeism and ultra-liberalism, must convince every candid man that he faithfully followed out the instructions sent to the magistrates by Sir Thomas Redington, "to swear in as special constables all well-affected men, without any distinction of creed." It proves that he was opposed to any exclusive armament, whilst the very parties who now join the Orangemen, in assailing him, did their utmost to force him into such a measure, by representing the whole Catholic population as ripe for rebellion. The Orangemen, in the mean time, conducted themselves with great dexterity and cunning. Some of them joined the association; others the confederation; and the Dobbys entered the clubs in order to betray them. Protestant repeal associations were got up, and the Orange spouters and the Orange press talked *nationality*. Then the Saxon was to be driven from the soil by the banded millions' might,—by the glorious combination of orange and green. But the moment the Orangemen thought that they had effected their object, and that there would be a row, they immediately turned round to the Lord Lieutenant, and said, "give us arms now, and we loyal Protestants will have great pleasure in shooting those rebel papists." They were sure that the game of 1798 would be played over again in 1848; and so it would if there had been a weak or a wicked Lord Lieutenant in Ireland. But notwithstanding the difficult circumstances in which he was placed when the Orange yeomanry of Down and Antrim demanded arms, Lord Clarendon firmly and emphatically refused, as the Orange report itself states, except in case of an actual outbreak. Nothing could exceed their disappointment and indignation. They determined, however, to parade their strength on the next 12th of July; and, to show how eager they were for the conflict whenever their services should be required, they marched to Dolly's Brae and slaughtered a few papists. But heavens! who can describe their frantic rage when, instead of being rewarded, as in the good old times, their leaders were ignominiously dismissed from the commission of the peace? Their arms are turned from the papists against the Lord

Lieutenant, and this is the time that the Catholics are called upon to help them. We do not believe that they will be so insane; but if it were possible that they and their Orange allies could drive Lord Clarendon from Ireland, what would be the result? Most indubitably an Orange restoration, and the perpetuation of all those abuses in church and in state, of which Orangeism is the symbol. We cannot believe that they will follow so suicidal a policy, or that they are such slaves or such fools as to become the accomplices of their own ruin.

A game somewhat similar to that which orange and green, or what pretends to be green, is now playing against Lord Clarendon, but infinitely more excusable, was played against Lord Anglesey in 1832, and saved the temporalities of that Protestant Establishment which Mr. Macaulay has justly pronounced to be "the most utterly absurd and indefensible of all the institutions now existing in the civilized world." Out of a population which in 1835 exceeded eight millions, that church only numbered 800,000 communicants; whilst its entire revenues amounted to as many hundred thousand pounds sterling! And, in addition to this enormous revenue, since the year 1800, nine hundred and twenty thousand pounds have been voted for churches, glebes, and glebe lands in Ireland. Hence we find, from a statement prepared in 1832, that ten bishops died, leaving personal property to the amount of one million five hundred and seventy-five thousand pounds sterling, that is, one hundred and fifty-seven thousand five hundred pounds each; whilst the bishop of Clogher, who came to Ireland without a farthing, amassed in eight years four hundred thousand pounds, or at the rate of fifty thousand per annum. To this day the bigotry of England, aided by the factious madness of Irishmen, supports that Church in a land whose entire population is almost in a state of bankruptcy, where there are nearly two millions of paupers, and where disease, starvation, and emigration have, within the last few years, to make the lowest possible estimate, diminished the population by considerably more than a million.

This Church, which has been hitherto supported solely because it was considered as the citadel of loyalty in Ireland, has proclaimed itself rebel—the people of England are beginning to see the enormous iniquity of perpetuating it, and nothing but the insanity of the Catholic popula-

tion can save it from being totally abolished as a religious establishment, or from being reduced within reasonable dimensions. But it will be saved if they become the accomplices of an Orange restoration, or if its destruction be proclaimed as a mere stepping-stone to nationality or the Repeal of the Union.

In England the Established Church is the church of the majority; in Scotland the Established Church is the church of the majority: and in Ireland it surely cannot be too much to demand that the Church to which upwards of six millions three hundred thousand of the inhabitants belong, should be put on an equality with a church whose adherents do not exceed eight hundred thousand. This is the very least that the people of Ireland should demand, and that the people and government of England should be ready to concede. Yet nothing whatever has been yet done to effect this object. Stanley's Bill abolished the bishoprics, but placed the revenues in the hands of commissioners, which was putting it into the devil's exchequer, that receives all that comes in its way, but never lets anything out again. And the commutation of tithes into a rent charge only made them more severe and oppressive, by giving the landlords a bonus of 25 per cent. for collecting them. Perfect equality might be established by abolishing all State endowments, and, after providing for the present incumbents, appropriating the entire property of the Church (including, of course, the 25 per cent. to which the landlords have no right whatever) to the support of the poor, and the education of the people. No one can doubt that seven or eight hundred thousand per annum could just now be most usefully devoted to these purposes. This plan, though most in accordance with our own views and with the feelings of the people of Ireland, is not, we fear, likely to be adopted by those, without whose support we could not hope to carry it. We are therefore content to receive the Bill recommended to the English Government in 1832 by Lord Anglesey, who was then Lord Lieutenant of Ireland. This "bill went to the entire abolition of tithes, and to the resumption by the state of the church lands, and their letting or sale upon proper commercial principles, in all cases saving existing rights. It was estimated that the profit derivable from such management of the six hundred thousand acres of profitable land held by the Church, would have been suffi-

cient to have supported an establishment ample enough for the spiritual wants of Ireland, and to have left a handsome surplus available for the education and relief of the poor, or as a provision for stipends for the Roman Catholic clergy." \* This plan, Lord Anglesey says, † was approved by Lord Plunket, then Lord Chancellor of Ireland, and by the Attorney-General Blackburne, now the Lord Chief Justice. We are strongly inclined to believe that the Earl of Clarendon (then Mr. George Villiers) also approved of this bill, for Lord Cloncurry tells us, (p. 332.) that he belonged to a private cabinet, to which Lord Anglesey had recourse, on all difficult occasions, for counsel and assistance. We believe that Lord Clarendon is a far abler man than Lord Anglesey, and that he is courageous enough to recommend this great and healing measure, if the people demand it in the way we have ventured to advise. And if he do recommend it, the present ministry must either carry it, or make way for Clarendon himself, or for Peel, or for some other statesman who will dare to do one great act of justice, in order to save Ireland.

That parliament considers itself competent to legislate on the relations between landlord and tenant, and that it considers some enactment on the subject necessary, is abundantly proved by the appointment of the Devon commission, and by the bills introduced upon the subject by Whig and Tory ministers. Indeed, no stranger can spend a few days in Ireland without being convinced of the imperative necessity of something being done for the rural population, in order to save the country from utter ruin. We have already had occasion to prove that the present frightful condition of Ireland, is not to be attributed to the influences either of race or of religion, but to the heartless tyranny of the landlords supported by the wicked legislation of England. The legislature, which has proved itself so powerful on the side of the landlord—which has collected his rack-rents, and executed his exterminations at the expense of the liberties and the lives of the people, can surely also do something on the side of humanity and of justice. It should not confine all its sympathy and protection to the factories, the mines, and the collieries, but

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\* Cloncurry's Recollections, p. 351-2.

† See his Letter, Cloncurry, p. 367.

allow some of it to reach the poor starved hinds in the country.

The adjustment of the relation between landlord and tenant, must necessarily embrace two things, the Rent, and the Tenure. Land is not in Ireland, as in England, a commodity in the market. All the Irishman's ideas of comfort and respectability for himself and his family, are derived from his possession of the "bit of land," no matter how small or how dear it may be. Until the failure of the potato crop, the landlord could not raise his land to any rent so exorbitant that he would not find numbers eager to grasp at it. The farmer and his family, even in the best times, lived upon potatoes and buttermilk, when they could get it, the whole year round. As far as all essential comforts were concerned, the small farmer fared as badly and often worse even than the wretched labourer. And yet such was the miserable state of the country, that almost all the feuds, dissensions, and murders, whether amongst the landlords and their agents, or amongst the people themselves, could be traced to the wretched competition for a few acres of land at a rack-rent, on which the occupants and their families lived only one degree removed from starvation.

Let no Englishman, or Scotchman, be deluded by the idea that good land is to be had cheaper in Ireland than in his own country. Since the commencement of the famine, the accumulation of poor rates, and the consequent impossibility of exacting the exorbitant rents which previously were paid, the landlords are content to take everything the tenant has, and then, since he is no longer profitable, to level the cabin where he and his family have lived for centuries, and cast him forth with his little ones, almost naked and utterly destitute upon the wide world. He cannot cultivate the land properly, says the landlord, because he has no capital. No indeed, he has no capital, for the landlord, who never allowed him the slightest interest in his holding, exacted his full rent, even in the bad times, so long as he had a penny; and now having stripped him naked as Job, and cast him forth upon a dunghill, he looks out for a new capitalist with whom the pressure of the times and of poor-rates, not his own inclination, may force him to act a little more reasonably. We will, however, venture thus much of a prophecy, that unless he be restrained by legal enactments, he will fleece

him, in due time, as perfectly as his unhappy predecessor. But neither the extreme lowness of prices, nor the great pressure of poor-rates, nor the failure of the potato crop, has hitherto induced any considerable number of the landlords to lower their rents, or to offer farms on such terms as will induce English, Scotch, or North of Ireland farmers to embark their capital in them. We are told that this is entirely owing to the actual and prospective magnitude of the poor-rates. Supposing this to be the case, who are to be blamed for it? The Irish landlords, not excepting Lord Lucan and his brethren in the West, who, when Lord John Russell inserted a clause in "the poor-law amendment act," to prevent the excessive pressure of taxation upon any one district, succeeded by their almost unanimous opposition in getting this clause rejected in the House of Lords. If, after all the outcry against poor-rates, government were to propose the same clause, they would most certainly have again to encounter the hostility of the Irish landlords; because their object is not to amend the Poor Law, but by representing it as an intolerable burthen, and doing all in their power to make it so, to get rid of it altogether; and thus to be able, as of old, to exterminate more freely, and to cast out the poor to die by the roadside, without contributing one halfpenny to save them from starvation. In difficult cases of this kind, the boldest course is generally not only the best, but the safest also; and we, therefore, think that instead of attempting to obviate the excessive pressure of the Poor Laws in the distressed districts, by the unpopular expedient of a general taxation throughout the entire kingdom, government should at once introduce a measure to effect this necessary object, by restoring to the first of their original purposes—the support of the poor—a portion of the surplus revenues of the Established Church.

But the truth is, that the Poor Laws, though undoubtedly in many places a grievous burthen just now, are by no means the chief cause which deters men with capital from taking farms in Ireland. Wherever the owner of the soil has heretofore let his land upon reasonable terms, we venture to affirm that the average amount of poor-rates is as low as in England. In places where land has been let at a rack-rent, and the unfortunate tenants have been evicted or obliged to fly to avoid starvation, the rates have, of course, become very heavy. Yet in those places, such

as the estates of the Earl of Lucan, where the clearance system has been most extensively resorted to, the rates vary from six shillings to seven-and-sixpence in the pound, only half of which falls upon the tenant. The vast decrease in the population occasioned by emigration, and also by starvation, has already greatly diminished the pressure on the poor-rates; and we confidently assert, that if the landlords at once reduce their rents, so as to allow the present occupiers a fair return for their labour, and to induce men of capital to undertake the reclaiming of their waste lands, the poor-rates will very soon be as low in Ireland as in England. The Irishman is not anxious to be separated from his wife, and imprisoned in a work-house; he is as able and willing to earn his bread by honest industry as any man on the face of the earth, and nothing but the most wicked laws, and the most accursed tyranny, could reduce him to his present degradation. The English, Scotch, and North of Ireland farmers were not unacquainted with the general amount of poor-rates in the West of Ireland. They went prepared to encounter that burthen, but were frightened away by the rack-rents. Indeed, Lord Lucan has published a letter in the newspapers, in which he admits that he offered to give his new tenants a guarantee that they should never be obliged to pay more than three shillings in the pound for poor-rates. This nobleman, who has come forth as the Coryphæus of the Western landlords, has taken several large tracts of land into his own hands, built upon them suitable establishments, and his anxiety to let them proves that the whole profits do not amount to the rent and poor-rates. How then does he expect that a tenant could support a family and pay him the rents he demands? He asks 18s. per statute acre for those farms of very indifferent land, (if we can believe our informant, who resides in the neighbourhood,) situate in a very remote neighbourhood, to which it is almost impossible to bring manure of any kind, and from which the produce cannot, without great expense, be conveyed to a profitable market. On this last account alone he estimates, in the letter we have just quoted, that even at the present time, a ton of corn is worth thirty shillings more in Holland than in Mayo. How, then, can he expect as high a rent? And this difference does not arise from free trade. But it is not fair to estimate the Irish landlords generally by what Lord Lucan is willing to do,

in a protracted famine. Go through the whole of the West of Ireland, almost all the South, aye, and a good part of the North, and you will not find a single farming establishment such as Lord Lucan describes, erected by the landlord for his tenant.

The only thing the landlords (with few exceptions) have done for their tenantry for the last half century, was to treble their rents, and to turn them out, without mercy, whenever any calamity rendered them unable to pay the uttermost farthing, or when they gave them any offence, or perhaps because they refused to turn Protestants a their bidding. When the wicked wars of the French revolution raised the prices of all the necessaries of life, and of all kinds of agricultural produce to a most extravagant height, the landlord raised his rent to war prices, and when the "wars were all ended," he got an iniquitous tax put upon the food of the people, in order to keep his rental up to the war standard. When those taxes were repealed, and agricultural produce fell nearly two-thirds, it would be only natural to suppose that rents should fall in a similar proportion. But not one penny of his war-rent is the landlord willing to bate, and his twofold complaint is, that he cannot coax any capitalist to give it to him, and that he must contribute something towards the support of the few of the poor wretches whom he has cast out on the world after depriving them of everything,—who have survived famine and pestilence without being able to drag their weary limbs to some foreign shore. Lord Lucan talks of land at ten or twelve shillings per statute acre; yes, such land as is to be found in Connemara, and in a great many other parts of Connaught, which might indeed be reclaimed, but which is, at present, fit to feed only snipe and crows. The surface of the cheap lands in Connaught, consists either of bog or of rocks; a small patch of it, on which potatoes or oats were grown, was usually reclaimed, beside each wretched cabin; the rest fed a goat, an ass, and sometimes a cow. The family lived for ten months on the produce, and the women and children starved for the remaining two,—literally subsisting, for the most part, on weeds and roots, whilst the men went to England to make the rent during the harvest. We appeal to every man who has travelled through Connaught, if a great portion of the land be not such as we have described it. We give Connemara as an example, because the sale of the Martin

estates in that district shows the rent that was exacted for an acre of rocks. An English farmer would think it fit for nothing in its present condition, but to be turned into a preserve for game, and yet it was let, on an average, at from five to fifteen shillings for the statute acre. Even the better soil from which the wretched tenants have been evicted, is so utterly exhausted, as to require a large outlay of capital before it would be capable of bearing good crops. Besides, there are no houses on those lands but the ruined huts of the miserable inhabitants, a great many of which are untenanted and roofless, and those which are still occupied are, for the most part, so miserable, that a respectable pig would consider himself badly lodged in them.

At all events, the plan which we propose will test the sincerity of the landlords, when they assert that they are willing to let their lands cheaper than the landlords of England, and Scotland. If they support it we will believe what they say in spite of the most evident reasons to the contrary; but if they oppose it, the hollowness of their professions will be manifest to every one. We propose that the government shall appoint three gentlemen, thoroughly skilled in the nature and capabilities of the different kinds of soil; who shall be able to estimate the expense of erecting a respectable farming establishment; who can form a correct judgment of the advantages to be derived from the facility of bringing its produce to market, obtaining manure, and in fine, who shall be capable of taking into account every thing which can enhance or diminish the produce of the land. We propose that they shall, as far as possible, be thoroughly disinterested;—that one of them shall be an Irishman, one an Englishman, and one a Scotchman;—and that they shall be sworn, not only to decide impartially to the best of their ability, but moreover, to hold no secret intercourse with either the landlord or tenant, and not even to visit or dine with either party until after they shall have concluded their official duty in the district. We propose that the occupying tenant, provided he pay his rent regularly, shall be entitled to hold his farm at the amount of their valuation for twenty-one years. We propose that the valuers shall decide what amount of capital can be usefully expended on the farm, in building, ditching, draining, &c., and that the landlord shall, in the first instance, have the option of making these improvements himself, charging the tenant a

reasonable per centage for the capital which he shall have laid out on the farm after the valuation shall have taken place. But if the landlord from any cause, shall not, within a certain fixed time make the improvements pointed out, then the tenant shall be entitled to make them; and if the tenant should be ejected, or should desire to have the farm during the twenty-one years we have mentioned, the landlord shall be entitled to take the land, upon paying the tenant (after all the arrears of rent shall have been discharged,) the full amount of his improvements, not only in building, ditching, draining, &c., but also in such superior manuring as will entitle the land to be valued at a higher rent during the unexpired portion of the twenty one years. As it would not be convenient for the government valuers to attend on every change of this kind, the matter might be very easily settled by arbitration; and if it could not be arranged in this way, let it be settled at the quarter sessions, before the assistant barrister and twelve of the quarter sessions Grand Jurors, acting as a special jury on the occasion. But if the landlord should refuse to pay the tenant for his improvements, the latter shall be at liberty to sell his interest in the farm to any solvent tenant, and he shall succeed in every thing to the rights of the out going tenant, for the unexpired portion of the twenty-one years. We propose that at the end of every twentieth year—that is, one year before the expiration of the twenty-one years after the next preceding valuation—the landlord shall be obliged to give his tenant notice, whether he intends to allow him to hold for other twenty-one years at the same rate, or to call for a new valuation, or to eject him. In the first case there will be no difficulty; in the second, the landlord shall be obliged to give the valuers notice, within a month after he shall have noticed his tenant, and one or more of the valuers shall be obliged to visit the farm, and to decide whether the rent should be raised or not. In coming to a conclusion on this matter, they must take care not to give the landlord the benefit of the tenant's capital or industry. In the third case, the landlord shall indemnify the tenant for his improvements in building, draining, ditching, &c.; and also for whatever (if any) additional value the farm has derived from the industry of the tenant. This matter also to be decided by arbitration, and in case of dispute by the assistant barrister, and a Quarter sessions special jury, as

already mentioned. If the the tenant should desire a new valuation, or determine to quit the farm at the end of the twenty-one years, he must, in the first instance, give the landlord notice at the end of the twentieth year; and within one month afterwards, notice the commissioners, who shall act precisely as if the notice proceeded from the landlord. If he should desire to give up the farm, the landlord may take it by indemnifying the tenant, as in case of ejectment; but if the landlord shall refuse to do this, then the present possessor shall be at liberty to sell his interest to a solvent tenant who shall succeed to all his rights, and who can only be ejected, and whose rent can only be raised in the manner already specified.

As an auxiliary income to that which would put on a right footing the relations between landlord and tenant, we would remedy one great defect in the Encumbered Estates act. There can be no doubt but that this measure will be most beneficial in introducing a solvent proprietary. But its great object will undoubtedly be defeated, if it does not also gradually introduce a tenant proprietary. As it stands at present, it never can effect this, for no man has a right to purchase out his own farm. We, therefore, propose to insert a clause in this act, whereby, whenever any estate is to be sold by the commissioners, due notice shall be given to the tenantry when such sale is to take place, and that they shall be at liberty to become the purchasers of their own farms, whenever such purchase shall not interfere with the sale of the other parts of the estate. And upon any farmer applying to have his farm put up separately, the commissioners shall be obliged to do so. But whenever it shall be less than the half of a town-land, the sale shall not be final until the remainder of the lot shall have been disposed of.

Another auxiliary measure of vast importance, and one which would greatly contribute to create an independent proprietary, is that which has for its object the reclamation of waste lands. We shall not enter into any details on this subject, as we only wish to see the measure, which was already introduced into parliament, passed into a law. However, we cannot help observing that government is bound to carry this measure in justice to the public, because it has advanced money to complete railways through those parts of the country where the largest portion of waste lands are situated; and as these iron roads

will greatly enhance the value of the landlord's productive lands, the very least return he can make is, either to reclaim his waste lands himself, or to give them up to the public on reasonable terms.

We hope that government will aid the completion of railways by loans, and that it will give an enlightened and religious aid to the crowds of poor emigrants who are still rushing from Ireland. We shall not notice the trumpery of asking government to force manufactories into the country. The thing cannot be done. But if the measures we have mentioned were carried, factories would spring up, as if by magic, in every spot suitable to them in the kingdom.

In this article we have certainly pleased none of the extreme parties in the country, and, unlike the man in the fable, we strove to please nobody, but to speak the truth, or that which we conscientiously believe to be the truth. This is so very rare a commodity at present, that we shall very likely be abused through all the moods and tenses. But we can give a Rowland for an Oliver, and as Dick Swiveller said to Quilp, after beating him soundly and deservedly, we can promise that "there's plenty more where this came from." The patriots who are unpurchaseable, so long as there is nobody to give any thing for them, will swear that we are in the pay of the castle; some T. C., or P. L. G., or Ed., (we really do not see why the tailors should not have their T. Y. L. R.) will dub us heretic by an erratic anathema; Dean Murray and the parsons will beg a piece of her under-garment from some Protestant heroine who wears gun-cotton petticoats to blow us up; and the landlords will swear at us for daring to talk of humanity and human vermin, whilst they have their mortgages and marriage settlements to think of.

"How blest are we that are not simple men,  
Yet nature might have made us as these are."

Yet we venture to ask the people to look for the measures which we have here pointed out, and not to commit the suicidal policy of yoking them at present with the question of repeal, which can only render them impracticable by driving from their advocacy the people of England, without whose assistance they cannot be carried. There is not a man of common sense in Ireland who believes in the practicability of repeal, within any given period, and

whilst the people are starving, the rival leaders have unfurled their factious standards, and called upon the country to prepare for domestic strife. We hope that instead of hearkening to these factious cries, they will learn the truth of the old Pagan maxim, *concordia parvæ res crescunt discordia maximæ dilabuntur*.

We shall not appeal to the humanity of the Landlords, but we shall appeal to their common sense, (if they have any of that commodity, which is not just so plentiful as its name would imply,) to give up the expectation that the people will ever again subsist on the potato alone, or that the masses will suffer their food to be taxed to keep up high rents, whilst communism and confiscation have shaken the greatest thrones in Europe, and are even now struggling for the mastery.

To Lord John Russell and the Whig ministry we would say, that they have not even attempted to carry any one of the liberal measures which they advocated whilst in opposition. When they came into power the cry was, Russell and Reform, Russell and liberal measures for Ireland; now the name of Russell is connected, as far as Ireland is concerned, only with coercion and corruption. No part of the filth which has been accumulating for centuries in the Augean stable of Irish corruption has as yet been swept away. Lord Palmerston has been sympathising with rebels, and tinkering up constitutions all over the continent of Europe. No animal, great or small, has escaped him, from the Russian bear to the American mosquito. Now, we tell Lord Palmerston, if all the grievances of the Italians, Sicilians, and Hungarians were united, they would not equal in magnitude any one of the three monster evils of Ireland—Orangeism, Landlordism, and the Established Church. We remember, that when the Sicilians were in rebellion, the Whigs refused to give the king of the two Sicilies his title in the speech from the throne, and would only acknowledge him as King of Naples. A parallel was attempted to be drawn in Parliament between Ireland and Sicily; but Lord John Russell at once denied it, because the King of Sicily had violated the constitution; and really this answer appeared to have silenced the Irish representatives. Violated a constitution indeed! What the devil signifies a constitution to a people who are subjected to the most grinding temporal and spiritual tyranny, and condemned by heartless landlords to starvation, exile, and

death? Would to Heaven the Irish people could exchange their constitution for the advantages which continental nations derived from what are called despotisms. Despotic kings valued the land, settled the rent upon equitable terms, and gave fixity of tenure before they granted constitutions. The Emperor of Austria is held up to us as a monster of cruelty, and yet this monster is now creating at one stroke a peasant proprietary in Hungary. If he be a tyrant

“ Would that the present hour would lend  
Another tyrant of the kind,  
Such chains as his were sure to bind.”

To remove the oppression and redress the grievances of the Irish people, is indeed a task which would be worthy of Hercules; and which even a brave minister cannot undertake without misgivings as to the result. But the undertaking is as noble as it is difficult. It is an achievement, in the attempt to accomplish which a minister, even if he failed, would gain more glory than if he succeeded, by timeserving and trickery, in retaining office for a century. Besides, even if the present ministers could not carry these measures themselves, they could render it impossible for any other body of men who would resist them, to carry on the government of the country. Like Emancipation and the Repeal of the Corn Laws, they would be carried by the very parliament which was assembled to resist them. But if the Whigs allow their term of office to expire without attempting to carry them, they need never again pretend to call themselves the friends of justice or of Ireland. Hitherto they have exhibited themselves only as the protectors of the wildest democracy abroad, and of the most grinding aristocracy at home. In the present stricken state of her people they may despise the struggles and the writhings of Ireland. But if the Irish people see that when they remain quiescent, they have nothing to expect from the justice of England, the cry for Repeal will again justly resound from shore to shore; and it will only require some great man to arise and combine her physical might, as O'Connell in 1829 combined her moral power, in order to enable her to take advantage of the first moment of England's weakness, and to shake off her power for ever.

ART. VI.—*The History of St. Cuthbert ; or, an account of his Life, Decease, and Miracles ; of the Wanderings with his Body at Intervals during 124 years ; of the state of his Body from his decease until A. D. 1542 ; and of the Various Monument erected to his Memory.* BY THE VERY REV. MONSIGNOR C. EYRE. London, James Burns, 1849.

THIS is a noble monument of learning, zeal, and piety, erected to the memory of one of the greatest saints of the Anglo-Saxon Church. It is the record of a pilgrimage made to every place which St. Cuthbert adorned by his wondrous virtues when living, or that, when dead, was rendered illustrious by his miracles, and the sojourn, even for a brief period, of his sacred remains. The spirit of a true Catholic piety is impressed upon every page, and we do not know of any more happy occupation than to associate one's mind with the author, and to accompany him, in his researches of the memorials of St. Cuthbert, in all the different and wide-spread localities where they were to be discovered.

The Very Reverend author tells us, that when he "first began to collect documents connected with the history of St. Cuthbert, they were meant solely for his own information and edification. For some time he confined his attention to such as might throw light upon the mysterious pilgrimage made with St. Cuthbert's body from the time it left Lindisfarne till it was finally entombed in Durham's Gothic shade. Afterwards, the love of the holy labour so far increased upon him, as to induce him to endeavour to compress within a small compass, the leading features of the saint's life and history." And he then adds, that "in deference to the entreaties of his friends, he has consented to lay his notes before the public."

The public may well rejoice that he has done so ; for his is the only work since the days of the hagiologists, in which the merits and the miracles of St. Cuthbert have been dwelt upon in a spirit worthy of that great saint. It is a Catholic priest, and, we believe, a Catholic priest only, that could properly appreciate the life, the toil, the virtues, and the self-sacrifices, of the monk, priest, anchoret, and bishop, St. Cuthbert ; or that could infuse into

the hearts of others that tender love, and sincere devotion towards the object of his labours, with which he is himself inspired. No vain desire for renown, no idle indulgence in curiosity, no mere amusement in antiquarian researches, have conspired together for the purpose of contributing to a publication like that which now lies before us. It has been a labour of love for one of God's saints; it is an act of piety. As such we regard it, and as such we approve of it.

Monsignor Eyre's book is an abstract of what most of the ancient hagiologists have written with regard to the life of St. Cuthbert, and of the wanderings to which his pious body was subjected; and to these are added many particulars that lay scattered about, but that are now, for the first time, placed in a connected, and continuous form, so as to make, on the whole, the most valuable and trust-worthy record respecting St. Cuthbert that has ever yet been published.

In bestowing these praises upon the book of the Very Rev. Monsignor Eyre, we do not desire to be understood as affirming that it is absolutely faultless. No first edition of any book, in which the subject required a vast amount of research, could be so. Faults and omissions can be discovered, and it is, we conceive, to the honour of the author that they are but few, and none of them of any great importance.

Before, however, we advert to them, we desire to make our readers acquainted with the contents of Monsignor Eyre's volume. It is divided by him into two parts. The first part includes "the Life, Decease, and Miracles of St. Cuthbert." The second part is divided into three sections: the first section giving an account of "the Wanderings with St. Cuthbert's body at intervals during 124 years;"—the second, the particulars respecting "the State of St. Cuthbert's body from the time of his decease, till the year 1542;"—and the third section, a description of "the different monuments erected to the honour of St. Cuthbert."

Thus, in the first part, we have an account of the birth and boyhood of St. Cuthbert; of his life as a monk at Mailros and at Ripon; of the twelve years he passed in Lindisfarne, and of the nine years that he was an anchorite in Farne island; of the two years he passed as a bishop, and finally, of his decease, his burial, and the miracles

worked by him when living, when dying, and after his decease.

This is the portion of what may be called, "the history of St. Cuthbert" that is the best known, and the materials for which are the most accessible, at least to all persons acquainted with the Latin language. In this part of his work, Monsignor Eyre has fallen into a fault which is common enough amongst good scholars: he has supposed that the knowledge so readily gained by himself was possessed by others; and hence he has presumed that the great mass of his readers must know a good deal of the miracles of St. Cuthbert, and, therefore, instead of giving them all in detail, he merely makes a passing allusion to a great many of them. In our estimation, such an omission is one much to be deplored in a work that treats of the life of any saint, but especially so of one whose marvellous humility and transcendent virtues rendered him conspicuous amongst the Anglo-Saxons, through the multitudinous miracles performed by him. In such a work as this, we should have desired to have seen all the miracles of St. Cuthbert, of which we have an authentic record, given in the most minute detail, and we should do so upon the principle so clearly and succinctly laid down by Bollandus:—

"Nam miracula (quod quidam aliquando nobis suadere conati sunt) minime prætermittenda ducimus. Valeant ea (ut alibi plenius dictum) ad augendum honorem Sanctorum, ad ingerendam mortalibus de impetranda ab illis ope fiduciam, ad deterrandum a sceleribus impios, maximeque eos qui sacrorum hominum locorumque immunitatem violare aut quoquo modo minuere niterentur."\*

If ever there was a time when Catholics should not shrink from dilating upon the miracles of their saints, it is the present; for these miracles are the glory of Catholics, the shame of schismatics, the reproach of heretics, the stumbling-block to infidels: "Triumphale et gloria Christianorum miracula sunt et virtutes sanctorum, quæ quo latius propagantur, eo et boni in Domino gloriantur, et mali erubescunt et cruciantur."†

Attaching, as we do, the greatest importance to the pub-

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\* Act. Sanct. (Feb.) Præfat. in Vit. SS. vol. i. p. 14.

† Vit. S. Rumold, c. 1, § 1. Act. Sanct. (Julii) vol. i. p. 241.

lication of well-authenticated miracles, we regret that there has not been inserted in this splendid monument to Cuthbert's memory, every one fully as it has been described by the Venerable Bede; for mark with what scrupulous care those miracles were collected, and what caution was employed before any statement connected with them was permitted to find insertion in Bede's Life of St. Cuthbert.

"That the facts," observes Monsignor Eyre respecting Bede's Life of St. Cuthbert, "contained in his life, may be relied on, we gather from the account he gives in the preface of the evidence he had collected:"

"I have not presumed, without minute investigation, to write any of the deeds of so great a man; nor without the most accurate examination of credible witnesses, to hand over what I had written to be transcribed. \* \* \* When my work was arranged, but still kept back from publication, I frequently submitted it, for perusal and for correction, to our reverend brother Herefrid, the priest, and others, who for a long time had well known the life and conversation of that man of God. Some faults were, at their suggestion, carefully amended; and thus, every scruple being removed, I have taken care to submit to writing *what I clearly ascertained to be the truth*, and to bring it into your presence also, my brethren, in order that, by the judgment of your authority, what I have written might be either corrected, if false, or certified to be true. Whilst, with God's assistance, I was so engaged, and my book was read during two days by the elders and teachers of your congregation, and was accurately weighed and examined in all its parts, there was nothing at all found which required to be altered, but everything which I had written was, by common consent, pronounced worthy to be read without hesitation, and to be handed over to be copied by such as by zeal for religion should be disposed to do so."

And so, too, a "zeal for religion" makes us regret that all the miracles as they were written by Bede, have not been "copied" into this volume. In point of fact, *the miracles of St. Cuthbert, as stated by Bede*, place the opponents of Catholicity in a dilemma from which they cannot escape; for they must, in defiance of his own works and all the records of history, maintain that Bede was a dolt, or an impostor in league with other impostors, promulgating, for no benefit to themselves, incredible fabrications, or they must admit his statements with respect to St. Cuthbert to be true; and if true, what becomes of the opponents to the Mass, to the Celibacy of the clergy, to the due respect and veneration to be paid to the relics of Saints?

We feel perfectly certain that it was no apprehension of encountering the reproaches of the tepid, nor of being assailed by the sneers of infidels, that influenced the Very Reverend author, when he came to the determination of not giving a full and complete translation of *all* the miracles of St. Cuthbert, as narrated by Bede. Such of the miracles as he has mentioned, prove that no such motive could influence him.

Here, for instance, is one that we have always regarded as a most charming narrative; but which we prefer as told by Bede, to the version selected by the Very Rev. Monsignor Eyre, from the Lindisfarne monk.

The following is the account given by our author. It refers to the time that St. Cuthbert was appointed to act as guest-master in the monastery of Ripon:—

“The neophyte was immediately chosen from the other brethren, to wait upon strangers coming to the house. Among the rest, one morning, during the winter season, when snow was on the ground, there appeared to him an angel of the Lord, under the appearance of a grave and grown up man, in the same manner that angels appeared, under the appearance of men, to the patriarch Abraham in the Vale of Mambre. He received him kindly, as was his custom, under the impression that he was a man, not an angel, washed his hands and feet, and wiped them with a towel, and rubbed his hands and warmed his feet on account of the cold. Whilst he was waiting for the third hour of the day to take his food, he endeavoured to overcome the reluctance of his guest, and his unwillingness to eat on account of his journey, and at last, entreating him in the name of our Lord Jesus Christ, obtained his consent. When the third hour of the day came, and he had concluded his prayer, he immediately prepared the table, and put upon it the food that he had; and because it chanced that there was no bread at hand, he put on the table only the crumbs that had been collected for blessed bread. He went to the monastery to seek some bread, but not getting any, (the bread was at the time baking in the oven), returned to his guest, whom he had left eating alone; but he did not find him there, nor any trace of his footsteps, although there was snow upon the ground. In astonishment he removed the table to an inner chamber, seeing clearly that he had entertained an angel of God. As he entered, he perceived the flavour of very sweet bread, and found three hot loaves; and thanked God that in his person had been fulfilled the saying of the Lord: ‘He that receiveth you, receiveth Me; and he that receiveth Me, receiveth Him that sent Me.’ (Matt. x. 40.) And again: “He that receiveth a prophet in the name of a prophet, shall receive the reward of a prophet: and he that receiveth a just

man in the name of a just man, shall receive the reward of a just man.' (Matt. x. 41.)"—Lindisf. Monk, Bolland. 119.

The same incident is thus told by Bede, in his Life of St. Cuthbert:

"At the time that Cuthbert was serving as a monk in the monastery of Ripon, it became his duty to act as 'the Master of the guests,' or the monk who exercised, on behalf of his brethren, the rights of hospitality to all strangers. In this office, it is believed, that he was so far favoured by Heaven, as to be visited by an angel. Upon leaving his cell, in the interior of the monastery, at the commencement of a new day, he found in the place appointed for strangers, a young man sitting, who was welcomed by him with his habitual tenderness and humanity. He presented water for the hands, he himself washed the feet of the stranger, rubbed them dry with a towel, and *as they appeared to him to be chilled with the cold, he humbly rested them on his bosom, and sought by friction to restore them to their natural heat*; and he entreated his unknown guest that he would wait until the third hour of the day for some refreshment, and not travel fasting from the monastery, lest he should sink under the severity of the winter's cold, combined with want of food. Cuthbert supposed the person he was addressing to be some man who was travelling by night, and who, exhausted by the snow-storm then raging, had turned aside from his road to the monastery at that very early hour, for the purpose of resting there a short time. The stranger refused, declaring he must presently depart, for the mansion to which he was hastening was a great way off. Cuthbert pressed his hospitable request upon the unknown man, and at last compelled him to remain, by adjuring him to do so in the name of God. The moment that the tierces had been finished, Cuthbert brought out a table, arranged it for his guest, placed food upon it, and said: 'I beseech you, brother, to eat, whilst I go and get some hot bread for you, for I hope to find some baked by this time.'

"When Cuthbert returned, the stranger, that he thought he had left eating, was no longer visible; he looked to see what way he had departed, and although the earth was covered with the fresh fallen snow, on which the slightest footstep might be visible, it bore no trace of any one having departed from the monastery. The pious monk was astonished at this strange circumstance, when he proceeded to replace the table in the recess from which it had been withdrawn by him. Upon advancing towards it his senses were ravished by a most delicious fragrance. He looked around him, and saw on the table three small loaves of new bread, apparently still warm, of wondrous beauty and miraculous purity. He was terrified at this spectacle. 'I see,' he said to himself, 'that it is an angel of God that I have received as a guest—one that has come, not to be fed, but to feed others—who has brought bread

such as this earth cannot produce, bread that excels the lilies in whiteness, the roses in perfume, and the honey in sweetness.'"—Beda, Vit. S. Cudberet, c. 7, § 12.

In contrasting these two *narratives*—that of the monk of Lindisfarne, and of the Venerable Bede—we have no desire to compare the *translations*, except merely for the purpose of submitting to the judgment of the reader this question,—which of the two he considers preferable. We incline to that given by Bede, because we conceive it to be more life-like, and because we feel a greater interest in reading the few words uttered by Cuthbert, to the pious reflections of the anonymous monk of Lindisfarne, however valuable and excellent they may be.

We dwell upon this point in the hope that the Very Reverend author, in preparing for publication the second edition of his work, will act upon our suggestion,—that he may insert in full all the miracles of St. Cuthbert as they are narrated upon what cannot but be regarded as *the unquestionable authority of Bede*. If he should do so, we would also entreat of him to rely solely upon a translation by himself,—not to make in any part of his book Dr. Giles's translation the basis of his own; for without at all questioning that reverend gentleman's *capacity* to translate Latin into English, we must observe that we have not the slightest confidence in his *capability* to be the fitting translator of an author like Bede. It is a task which should be performed by a Catholic alone—by one who can feel with his author; because, united to him in faith, his heart can fittingly respond to the earnest convictions of that truly venerable and sanctified writer. Without such a sympathy between the original author and the translator, there will be frigidity even in the closest version. It is a fault which we have had occasion to find with almost every translation by a non-Catholic of a monkish writer we have met with; for whether “done into English” by the Rev. Mr. Giles, or into French by M. Guizot, or German by Herr Gfrörer, they are not in all cases to be relied on.

In page fifty-two, Monsignor Eyre will find, upon a further examination into the facts, that he has fallen into an error with respect to Alfrid, the successor of king Egfrid, when he states that he “had devoted himself to literature in *Scotland*.” There cannot be the slightest doubt, that the place to which Prince Alfrid repaired during the reign of Egfrid for safety, as well as for study,

was Ireland, which afforded refuge about that period of time, to more than one unfortunate prince. (See Eddius, c. 27.) So well established is the fact, that it was in Ireland Alfrid was engaged in literary studies, that Mr. Stephenson, in his valuable edition of Bede, suggests, that the unjust invasion of Ireland by Egfrid in the year 684, was occasioned by the Irish having hospitably received his brother Alfrid. (See Stephenson's edition of Bede, vol. i. p. 315, and vol. ii. p. 97.)

The name of the saint, to whose truly glorious memory Monsignor Eyre devotes his book, is, he is aware, connected, at least by tradition, with the Irish—that race of men in modern times so much abused, but who were declared by William of Malmsbury, to be “*genus hominum innocens, genuina simplicitate, nil unquam mala moliens.*” These Irish maintain that St. Cuthbert was by birth an Irishman. This claim, on their part, has not escaped the attention of Monsignor Eyre, and our regret is that he has not fully discussed it. The writer of this article is disposed to concur with the author in the opinion, that “Cuthbert was born in Northumberland, of Saxon parentage;” but still he has not examined with sufficient diligence the Irish authorities, to subscribe to Monsignor Eyre's assertion, that the fact of Cuthbert's English parentage is so well established, that it is one of which “there can be no doubt.” We must bear in mind before we come to any such conclusion, that, independently of the statements to be found in the Irish authorities, the monks of Durham themselves “had some faith in the tradition,” that “Cuthbert was the son of an Irish king;” and we have also this fact, of which there certainly “can be no doubt,” confirmatory of the full belief in that tradition, viz., that in the year 882, those who had the care of the body of St. Cuthbert, had actually placed it on board a ship for the purpose of removing it to Ireland,—a fact that is well told by Simeon of Durham, and accurately transcribed by our author, pp. 106, 107.

As to the objection that may be made, that “it is incredible” that the son of an Irish king should be found, at eight years, of age tending sheep on the mountains, in the neighbourhood of Mailros, we may observe, that, however strange it may seem in these times, it is by no means absolutely improbable. The aggressions of the Northmen rendered such a change of fortune an occurrence by no

means extraordinary. We find in the history of their aggressions, that Astridis, a queen, was reduced to the condition of a slave,—“*vili jam ac sordida veste indutam*,” and in that condition brought to the slave-market in Esthonia: “*publicis nundinis in foro venum exposito*”—that Mirgiol, the daughter of an Irish king, was compelled to work as a slave; that the mother of the celebrated Olave Pa was the daughter of an Irish king, yet taken and sold as a slave, and on account of her beauty, sold at a high price: “*venundata ab Hauskuldo tribus marcis argenteis pretio servarum trium*.”\* Wherever the Northmen were conquerors, there was sure to be found amongst their spoil “an immense multitude of women and male children.”† And it may therefore readily be conjectured that Cuthbert might have been (*if* the son of an Irish king) either sold as a slave in Northumbria, or he might have been carried off from his home for the purpose of being concealed there. The question of Cuthbert’s parentage is one of sufficient importance to merit a more full examination than has yet been bestowed upon it.

In pp. 62—67. Monsignor Eyre has given some very interesting and valuable accounts of the personal appearance of St. Cuthbert, as described by those who had seen him in a vision. He has, however, omitted one account of St. Cuthbert’s appearance, which is more interesting than any, because it is that for which we may consider ourselves indebted to the great king Alfred, whose narrative we may believe has been faithfully recorded in the “*Decem Scriptores*.”

“Lo! there shone before him (Alfred) a great light, bright and refulgent as the rays of the sun, and in the midst of this light there appeared an old black-haired man, a priest, wearing his sacerdotal robes, and bearing in his right hand a copy of the Gospels, richly adorned with gems and gold.”‡

This description is interesting on many accounts, but especially because it refers to a document still in existence—the copy of the Gospels, that was lost when the attempt was made to remove St. Cuthbert’s body to Ireland, which

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\* See Torfaeus Hist. Norveg. vol. ii. pp. 116, 270, 332.

† See Ingulphus. Hist. p. 20, and Depping Histoire des Expéditions Maritimes des Normands, vol. i. p. 64.

‡ Hist. de S. Cuthbert. p. 71.

copy was subsequently miraculously recovered, and to this day may be seen in the British Museum. \*

We have thus dwelt at some length upon what may be regarded as the first part of the labours of Monsignor Eyre. To those who have studied the life of St. Cuthbert in the original documents, his work will be found very useful; but from the moment that we are compelled to part from the monastic historians, there is not the slightest exaggeration in affirming that Monsignor Eyre's book must be regarded as invaluable. He has seen, he has examined, and he describes every spot on which St. Cuthbert trod; and he has, in a pious pilgrimage, traced out every inch of ground over which the body of St. Cuthbert was borne by his devout disciples, when flying from the desecrating hands of the infidel Danes. And, we may add, that Monsignor Eyre affords to us very satisfactory reasons for believing that even at this moment the body of St. Cuthbert rests in its entirety,—that due care has been taken that, even up to the very hour at which we write, the last wishes of St. Cuthbert are complied with by the Catholics, when he said: "If necessity should ever compel you to choose between two unavoidable evils, I would by far prefer that you removed my remains from the tomb in which they are about to repose, and that you carried them with you to whatsoever place God should assign you a habitation, than that you would, under any pretence or condition, submit your necks to the yoke of schismatics." †

This is a subject of very great interest to all antiquarians, but especially so to Catholics; and a reference to it enables us to give a slight sketch of that portion of Monsignor Eyre's book, which we have not yet described.

The first section of the Second Part of this history of St. Cuthbert contains the most minute particulars respecting the wanderings of the disciples of the saint from Lindisfarne until his body was deposited in Chester-le-Street, where it remained for 113 years. We have then an account of the translation of the body from Chester-le-Street to

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\* For an account and description of this copy of the Gospels, see Monsignor Eyre's work, note to pp. 110, 111. In addition to the names of the persons by whom this copy of the Gospels has been described, and who are mentioned by Monsignor Eyre, may be added, Twysden, *Decem Scriptores*, *Praefat.* pp. 25, 26.

† S. Dunelm. *Hist. Eccles.* p. 14.

Durham, and then of its temporary removal in the year 1069.

The second section of the Second Part of the history of St. Cuthbert, is divided into four chapters, which treat of the following subjects:—"the first disinterment of St. Cuthbert's body in the year 698;"—"The translation of St. Cuthbert's body into Aldhunes Cathedral, in 999;"—"the examination and translation of St. Cuthbert's body, in 1104;"—"the opening of St. Cuthbert's coffin, and the state of his body, in 1537;"—and lastly, "the fortunes of St. Cuthbert's body after 1542, and the opening of the vault in the Feretory, in 1827."

In 1537, when the commissioners of King Henry VIII. defaced the shrine, and broke open the coffin of St. Cuthbert, "not only the body, but also the vestments in which he was robed, were perfectly entire, and free and clear of all stain and decay." And thus, as Harpsfield remarks, in his *Hist. Eccles. Ang.*, p. 105, "it is abundantly evident that the body of St. Cuthbert remained inviolate and incorrupt for 840 years." (p. 185.)

Had the body of this saint been in a state of decay, it would have been (as Monsignor Eyre suggests) treated like the relics of other saints at that time, as those of St. Thomas and St. Edmund; but being whole and entire, it was "buried in the ground under the same place where his shrine had been exalted."

A search was made, in the year 1827, for the body of St. Cuthbert. It was made not by Catholics but by Protestants. There was, to use the words of Monsignor Eyre, in making that search, "the careful exclusion of Catholics." Upon that occasion too, there were, among other things found along with the skeleton of a man, "the skull and several bones of adults, and a skull and several bones of children!"

Mr. Raine, and the other Protestant gentlemen, who aided in this search, maintain, that the skeleton discovered was that of St. Cuthbert. Monsignor Eyre maintains that it was not. He first points out this fact, which will be found to be one of great importance, viz., "*that the grave in which St. Cuthbert was buried, had been disturbed between the years 1542 and 1827. In 1827 an opening was found in the masonry at the end of the vault, filled up with loose stones.*" (p. 188.)

Monsignor Eyre having given the full particulars of the

examination that took place in 1827, and the discovery of a skeleton in what was supposed to be the coffin of St. Cuthbert, proceeds in the following manner. The extract is long, but it will be found well worthy of perusal.

"Was this, then, the reader will ask impatiently, the body of St. Cuthbert? If it were, there ought to have been found with it, besides the altar, and burse, and comb, a gilt fillet on the forehead, a chalice, a paten, and a pair of silver scissors, which are known to have been in the coffin when it was closed in 1104. There ought also to have been found, supposing it was St. Cuthbert's body, the linen sheet of five ells, bought for its interment in 1542, but no remains of this sheet were discovered.

"Having given the analysis of Mr. Raine's account of the opening of the vault, and of the things therein found, and having compared them with Reginald's account of what was found and left in St. Cuthbert's coffin, in 1104, it is the author's duty to speak of a tradition that exists in reference to this subject, in order that his readers may be enabled to form an opinion as to whether the body found in the vault in 1827, was, or was not, the skeleton of the sainted Bishop of Lindisfarne.

"There has long been a tradition, that the body of St. Cuthbert was removed from the feretory to some other part of the church. *The secret of his present resting-place is confided successively to a select number of the English Benedictine monks, who have in their possession a plan of the Church, on which the exact spot is marked out.* Raine endeavours to shew that the tradition did not exist in the year 1722; but its date will be given in due course. A beautiful allusion to this tradition is made by Sir W. Scott:—

'There, deep in Durham's gothic shade,

*His relics are in secret laid:*

*But none may know the place,*

*Save of his holiest servants three*

*Deep sworn to solemn secrecy.*

*Who share that wondrous grace.'—Marmion.*

"The reader should bear in mind, that the existence of this tradition had been made known to the public many years before the opening of the vault in 1827. Bishop Milner, in a paper published in the *Archaeologia*, in 1809, gives the exact nature of the tradition. 'We are informed,' says he, 'that some of the monks contrived to steal away the body, which they buried in a private place, yet so as to transmit the secret to some of their successors, to be communicated to others after them, as long as christianity should continue to be professed at Durham. Thus much I can say from my certain knowledge, that there are always three gentlemen of the Benedictine Order, who profess to know the identical spot at Durham where the body of St. Cuthbert rests, and who, as one of them dies, choose another to whom they impart the secret.' "

The illustrious historian of the Anglo-Saxon church also speaks of this tradition :

"There is a tradition to which formerly much credit was paid, that the monks, before their ejection, had substituted, by way of precaution, the body of some other person for that of St. Cuthbert, and had buried the latter in a distant part of the Church ; and the English Benedictine monks still preserve with secrecy an ancient plan of the building, in which the spot supposed to be the present resting-place of the body is distinctly marked.

"By making further inquiries into the history of this tradition, the author has ascertained from one of the Benedictines in possession of the secret : first, that it is not confined to three of the body, but is known by more ; secondly, that the traditions they possess are verbal, as well as by a plan of the Cathedral, and the two entirely coincide—the original plan on paper is in a very decayed state ; thirdly, that they do not hold this secret on oath.

"The manner in which the tradition has been handed down also deserves notice. Though the religious houses were suppressed, the English Benedictine monks still continued to exist after the Reformation. The order was kept up by Father S. Buckley, the last prior of Westminster, who effected the revival of the ancient English congregation of St. Benedict, by receiving into it, A.D. 1607, some English monks.

"This tradition, he it observed, does not state that the body of St. Cuthbert was not buried in the feretory in the year 1542, as the account of it in the *Archæologia* would seem to insinuate ; nor that the monks, before their suppression in 1540, had secreted the body ; but that, at some period after 1542, and before the time of Elizabeth, the body was taken out of the feretory and buried in another part of the Church. Hence Dr. Lingard very justly remarks : 'If, then, any removal of the body took place, it must have been while the Catholic secular canons were in possession from that time till the reign of Elizabeth.'

"How far, then, as well as we can judge, is this tradition worthy of credit ? The author of the *Remarks* on Mr. Raine's discovery, adds the following note to page 43. 'I have supposed that the body remained undisturbed in the grave from 1541 to 1827, because we have no proof to the contrary. But I am strongly inclined to give credit to that part of the tradition of the monks, which states that the body was taken out of the grave during the reign of Queen Mary. This will account for the opening in the masonry at the end of the vault, which opening was filled up with loose stones, a fact which proves that the grave had been opened previously to the investigation in 1827, and perhaps also for the mysterious disappearance of the linen sheet, the fragments of which Mr. Raine is sure he could have found if he had sought them.'

Another author has expressed his belief that the bones

discovered in 1827, were not the remains of St. Cuthbert. He adds, that some have thought they were the bones of the Venerable St. Bede; but to say that they were the bones of St. Cuthbert, "*assumes a fact which it is impossible to prove, and we believe to be erroneously stated.*"

"It may, perhaps, be considered presumption in the writer to give an opinion on this subject. However, *audax omnia perpeti*—he cannot refrain from penning what seems to him most probable. In the absence of sufficient positive and *a posteriori* evidence to settle the question, we may be allowed to argue *a priori*. It seems to be a question of what the then secularised monks *would* and *could* have done under the circumstances; for if they who had the safe keeping of the body of St. Cuthbert, had both wished and had it in their power to conceal his remains, we cannot doubt but that they would have done it, and handed down with jealous care the secret of their pious zeal.

"In the first place, looking at the question on its natural merits, *would* the Catholic canons have wished to preserve from violation the remains of their patron Saint? Our opinion is decidedly that they would. Their foundation charter, dated 12 May, 1541, made them members of the new Chapter; and *the same men who had been simple monks under Hugh Whitehead as Prior, became Prebendaries under the same man as Dean.* They still kept up the same reverence that had ever been entertained in their Church for St. Cuthbert. They knew well his dying wish, that his bones should never be left to fall into hostile hands; they knew that at intervals during 124 years their predecessors had journeyed over hill and dale, far and wide, to keep his body safe from the hands of the spoiler; and they had just seen his shrine violated by the Commissioners, its treasures stolen away, and the body treated with indignity. They would naturally dread a second visitation of the kind, and the signs of the times were not promising; they would doubtless wish to conceal his remains from the spoiler and the schismatic. But, in the second place, on the supposition of such having been their wish, had they the means of carrying it into execution? *Could* they have removed and concealed the body? This question is more easily answered in the affirmative than the former. Though the Prior and monks of Durham were deprived of their possessions on the 31st December, 1540, yet many of the same men were restored as members of the newly founded chapter. The foundation Charter, dated 12 May, 1541, made Hugh Whitehead, the late prior, dean; Roger Watson, the terrarius of the monastery, canon of the second stall; Thomas Sparke, the chamberlain, canon of the third stall; Stephen Marley, the sub-prior, canon of the sixth; Robert Bennet, the bursar, canon of the eleventh; and William Watson, *the feretrar, i. e., the very man who had the care of St. Cuthbert's body and shrine before the dissolution,* was made canon of the

twelfth stall. Surely, then, these men had it in their power to remove the body of St. Cuthbert to any part of the Cathedral they might wish. That this could readily have been done, must be allowed by any one at all conversant with the history of the times, which tells us how it fared with Durham Abbey in those days.

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"The *a priori* evidence, then, may be supposed to favour the tradition, that the body of St. Cuthbert was removed from the feretory, and concealed in some other part of the church.

"In addition to this, let it be remembered that *the vault had been opened and entered between 1542 and 1827*. This is an *a posteriori* evidence in favour of the tradition of removal. 'The upper course of masonry at the foot of the vault was composed of loose stones—a proof that an entry had already been made once at least since its construction.' The object of this entry Lingard surmises to have been rather the wish to put something into the vault as a place of security, than to have taken anything out of it for greater security. He says: 'But then many things were found in the coffin, which certainly were not there in 1104—such as the first skull and the bones already mentioned, a very valuable stole and two maniples, and a pectoral cross of gold, weighing 15 pennyweights and 12 grains. To me it seems probable that they were placed there by the Catholic prebendaries, who, aware of their approaching ejection in the reign of Queen Elizabeth, introduced into the tomb, as a place of security, the other relics of the Church, and the most valuable articles belonging to the feretory. The reader will recollect that the vault had already been entered, at least once, before it was opened in 1827.'

"The writer may here, with all due deference to the opinions of others, record his own opinion, viz.: that the coffin found in 1827 was the original coffin of St. Cuthbert; *that the skeleton found was not that of the Saint*; that the body of St. Cuthbert was removed by the men who had been Benedictine monks, though at the time they passed under the name of Secular Canons; that this removal took place probably during the reign of Queen Mary, (1553-58,) at any rate, between the years 1542 and 1558; that it is very possible that, at the time they removed the body, they erected the screen round the feretory, in order to disguise the removal; and that the body was removed in the linen cloth that was missing at the investigation of 1827.

"But whether the remains found in the vault, in 1827, were or were not the relics of St. Cuthbert, the question of the incorruption of the body down to 1537, is not thereby at all affected. If they

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† We omit a passage in which the author proves by what occurred in Durham Abbey in 1569, how strong and universal was the attachment of the population at that time to the Catholic faith.

were his remains, and the fact ever comes to be fully substantiated, we should then venerate them no less than they were venerated when the body was whole; and we should come to the conclusion, that God, who never worked a miracle to confirm any religious belief but that of the holy Catholic Church, was unwilling that a miracle already worked should subsist, when the remains had fallen into the hands of schismatics.\* If, as the writer believes, the remains of the sainted Bishop of Lindisfarne are still in safe keeping in another part of the Church, we may hope that his body is still incorrupt, and will be again, by Catholic hands, raised to a worthy shrine in the feretory. Such would be a day of joy, not only for those living on the patrimony of St. Cuthbert, but for all England, and the Catholic world. There is a tradition that this secret will be disclosed when England again becomes Catholic, and the cathedral shall again revert to Catholic hands. No doubt those that come after us will see the day when the honoured relics of the apostle of Northumbria, the British Thaumaturgus, will be brought from their hiding-place, and again raised with honour and pomp in their original shrine, before which the devout believer in the Communion of Saints will not be ashamed to kneel; and they will think of us and of the generations gone before them, and will, perhaps, make intercession for us, kneeling at that very shrine. In the meanwhile we may all pray, 'Deal favourably, O Lord, in thy good will, with Sion, that the walls of Jerusalem may be built up.' " (pp. 199-206.)

The third section of the second part of the History of St. Cuthbert, contains an account of the different monuments erected in honour of the Saint. I, Durham Cathedral: II, Lindisfarne Priory Church: III, Melrose Abbey Church: IV, other Churches built in honour of St. Cuthbert in Northumbria: V, Churches and chapels erected in his honour since the sixteenth century: VI, Sculptured monuments in honour of St. Cuthbert: VII, Pictured monuments of St. Cuthbert: VIII, Poems in honour of St. Cuthbert: IX, Personal relics of St. Cuthbert. This simple recital of the contents of this last portion of his labours, will suffice to show the zeal, the energy, and the research of the Very Reverend Author. The book is also illustrated with several maps, and regarding it as a

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\* Such, we may remark, is the opinion to which Bede gives expression, when narrating a miraculous circumstance in the life of St. Cuthbert: "Unde provida, ut dictum est, dispensatione supernæ pietatis, postquam fides credentium confirmata est, mox invidiæ perfidorum materia detrahendi est prorsus ablata." Vit. S. Cudberet, c. 23, § 39.

whole, we cannot but congratulate the Author and the Catholic world upon its publication. Monsignor Eyre has now, and for ever more, identified his name by his literary labours with the life and the virtues of St. Cuthbert. He has toiled as a priest and as a scholar, and in so doing, he has performed a great act of piety: "*Laudes etiam divinæ attolluntur, dum ad exemplum fidelium, sanctorum merita ad memoriam revocantur.*" \*

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ART. VII.—1. *Report on Quarantine*, Presented to both Houses of Parliament. London, 1849.

2. *Report of the General Board of Health*, on the measures adopted for the execution of the Nuisances Removal, and Diseases Prevention Act, and the Public Health Act, up to July, 1849. London, 1849.

WHEN Swift, in his voyage to Laputa, described a nation of philosophers, the exaggeration was so manifest, that the real point may be said to have failed. Could he have foreseen, and described with his own matchless simplicity, what was to take place a hundred years later; the strangeness, the incredibility of what he wrote, would have been equally great, and his narrative would now read as a vision rather than a dream. Had he informed his readers that the sages of that country conversed by means of a wire at the distance of five hundred miles, with a perfect annihilation of all relations between time and space: that they dashed on at the rate of fifty (he might as well have said a hundred) miles an hour, drawn by a mechanical horse impelled by the same power as Sancho Panza's, and liable to the same little accident of blowing up: that the towns were not lighted by oil, or any adipose substance whatever, but by flames without wick, lamp or candle, coming up from under ground: that artists there made use of sunbeams, without the

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\* Conrad, Vit. S. Wolphem. Rolog. § 1. Act. Sanct. (April.) Vol. iii. p. 77.

necessity of bottling them, for drawing materials ; in fine, that noblemen of highest rank, and baronets of high degree, spent much time in detecting, analyzing, regulating, and utilising the perilous stuff that flows unsavoury in sewers ; we think he would have provoked more smiles of incredulity as to the possibility of such a nation's existence, than he has by any of his own excogitations.

The last half century has indeed distinguished itself, more than any other corresponding period in the world's history, by great and practical applications of science. In fact, every science may be said to have undergone a revolution within this space, and the new principles and powers which have been discovered, are becoming every day more and more the regulating, or motive agents of material existence. In Zoology, living and fossil, the researches of Cuvier, Lacepède, and Geoffroy de Saint-Hilaire ; in chemistry, organic and inorganic, the accurate observations of Liebig, Davy, and Faraday : in physiology, the *acute* experiments of Bell and Magendie ; in geology, the noble investigations of Humboldt ; in ethnography the scarcely inferior developments of his brother and the Schlegels : and in mechanics, the results of application of countless labourers, which may be said to equal the creation of a new science : these, and many other combining efforts, are justly thought to have worked a complete change in every department of scientific knowledge, and to place the first half of this our century, at the head of a new era, which (whether for the good or the evil of succeeding generations, time only will unfold) will scarcely leave any thing to the uncertainty of skill, or the chances of experiment. Every thing from henceforward, must be struck with the die, or cast in the mould, of science, must be predetermined by calculation, and created by a process.

In all this, the mechanical element, that is, the lowest of all the scientific powers, is prevailing, even to the contempt of every other. It is the constituent, dominant power of the age, its tyrant ; its restless, agitating, unsparing ruler. It embodies itself to our imagination (a faculty likely soon to be smiled out of existence amongst us, as much as in the sage island of Laputa) in the form of a huge engine, which sends its shafts along every stage of society, and its gear into every department of each, and keeps up a perpetual whirl, grating, and jarring, with a ceaseless worrit and fever in every head and mind : by its own monotonous uplifting

of its giant arms, sending every thing into every most opposite and conflicting motion; here pumping, and there draining; here lifting, and there ramming; here raising into air enormous iron tubes, that could have confined ten Titans, there drilling an eye through a needle which a microscopic insect could not creep through: here battering into a compact anchor-fluke a mass of iron which all the Cyclopes could not have lifted, and the very candescence of which would have burnt their eye out, there gently rivetting its head upon a pin; here violently twisting together the strands of an "endless" wire rope, there actually drawing through flame, without burning it, the thread scarcely thicker than the cobweb's, which has to weave the finest cambric; here voraciously lapping up the liquid mud of the streets, with its pebbles and brickbats, into a capacious stomach, there with patented mechanism uncorking the bottle of turtle-punch, to crown the civic duty of indigestion; here with the slow, deep, and monotonous burr of "the drum," producing nothing but wind, (though quite a gale of it,) there impelling the mighty ship to breast the towering billows, and face the storm in its very teeth: and then as subservient to intellect and to intelligence, here it whirls round every morning the cylinder inscribed all round like an ancient pillar, but here paradoxically with other "columns," and imparts to thousands of outspread sheets the indelible impression of the *Times*; there it sets in motion, for the comfort of one ingenious mechanic, in his humble quarters at Manchester, an escapement that lights his lamp, cooks his breakfast, awakes himself, and disturbs all his neighbours.

The scientific genius or Daimon (a letter here makes a great difference) pursues us into our domestic life, with an unwearying pertinacity. Your tailor advertises himself as "anatomical;" your shirt-maker as acting on "scientific principles;" towels are labelled in shop windows as "electrical," (we only wonder why eel-pies are not;) plaisters, by a strange perversion, as "mechanical." And within doors, your foot-boy cannot any longer think of cleaning your knives, unless you procure "Kent's knife-cleaning machine;" and your cook declares she cannot make your dinner without a cooking "apparatus." Every conceivable application of the lever, the spring, and hydraulic pressure has been made, to the very simple purpose of ascertaining the postage of a letter; and many a man who has

run it rather fine by clipping margins, and sparing wax, to keep his machine below the penny-stamp mark, has inflicted four-pence on his correspondent, simply because the post-office officials will stick to the old-fashioned, unscientific way, of weighing things by scales and weights, instead of by machines. Nay, we have seen the most wonderful little contrivances made, and probably "registered," if not sold, for attaining the desirable object of damping postage-stamps; whereby, having cut off your "queen's head," you place it in a box connected with a hydrostatic apparatus, which has previously to be supplied with water: then, by the application of leverage, proportioned to the operation, the apparatus aforesaid is pressed upon the gum of the stamp, and made to act upon it, affording the requisite degree of humectation: and, this accomplished, the box is opened, and the little penny bank-note is taken out ready for use; having gone through as much process as at the Bank transforms a bit of paper into £1000. Now we, not being given to mechanics, use a very unscientific mode of applying the stamp to the paper; and the contrast of the two methods powerfully reminds us of the old well-known story of the Frenchman, who sold powder for destroying insects, of the class called "industrious" among our shilling exhibitions. This was to be done by catching the delinquent, opening his mouth, and inserting the infallible poison. "Mais si je l'écrase?" asked an unscientific purchaser. "Ma foi," responded the vendor, "ça lui serait également désagréable."

When a nation or an age gets upon a hobby, it is just in as much danger as an individual of riding it to death, or of breaking its own neck. This has happened before. The revival of classical literature in the fifteenth century, carried the age, through heathenism, into heresy. The scientific and mechanical mania of the present, may drive it into materialism, or, if one may coin a term, into *corporism*. We are not indeed going now to look at this higher moral view of the matter. But we think that a sensible observer will see that all the energy of inventive genius, so marvellously awakened in our time, is bent upon bettering the bodily condition of men, and increasing what is called their happiness, that is their comfort, their enjoyment, their complete contentment here below, to improve their animal existence, and multiply their sensations of corporeal pleasure. It is clear to any one that intellectuality, and ab-

stract truth are totally unheeded, and even contemptuously undervalued. We may truly say, that mental philosophy is almost wholly unknown and unthought of in England.

Who thinks of instructing "the people" about their souls, their minds, their ideas; their relations with another world? Who thinks of entertaining them about creation, a first cause, God, in fine? The mechanism of the body, the mode of preserving its health, the avoiding of excesses that hurt it, all this forms now the study of man; and when "mechanics' institutes," or "young mens' societies," have been well lectured on these subjects, and on sobriety, and other healthy virtues, it is thought that sound morality has been taught them. Let any one read the annual speeches which benevolent noblemen, and learned M. P.'s, and popular bishops make to such Institutes, in great manufacturing towns, and see if they aim at a higher object than that of proving that scientific pursuits will render their hearers good men: without any antidote being required for the deteriorating tendency, of all that binds men, beyond what their passions do, to earth. The bishop of Oxford, in one of these speeches to the middle classes, seemed actually to say, that the mechanical inventions of the present age stood in the place of the miracles of the early Church, as the *engine* for converting nations to christianity: that the missionary going out with the steam-engine to a savage tribe, would by it establish his intellectual superiority over its members, and consequently his right to be listened to: as though religion were only civilisation, and miracles only personal titles to human respect. And if moral and mental philosophy have ceased to be numbered among the sciences, or to be known even by name; surely the cultivation of the imagination, and the relish for poetry, are nearly as much despised and discouraged. In fact, we are in real danger of seeing the next generation brought up in the ideas of many of the present, that man is a machine, the soul is electricity, the affections magnetism; that life is a railroad, the world a share-market, and death a *terminus*.

The reason of all this is, we fear, too deep and too serious to be treated in an article, especially one so limited as it is in our power to give; and therefore we will confine ourselves to the danger that exists on all sides, of our resembling, yet more, the inhabitants of that sage philosophical country which constantly returns to our view, of

overlooking common-sense suggestions in our scientific, and certainly magnificent, designs. It is here that we think our forefathers, back to a very remote period, stand so advantageously before us : they could not do things so cleverly as we do, but they did them more completely ; their methods may have been less neat, and less according to principles of science, but they were effectual and durable. We undervalue their lessons, and make great improvements, as we think, upon them : but we certainly do not attain what they did, yet never suspect that there was wisdom in them that could compensate for their want of knowledge.

Let us take a very practical illustration. We are now deep in the preliminaries of a great sanitary movement ; one so gigantic that we have no faith in its being accomplished. It has been known for years that the quarters where the poor congregate in London, and perhaps in other large towns, were the closest, most filthy, most dilapidated, most unwholesome, most fever-haunted regions of the earth. There has been no end of visiting societies, tract-distributors, bible-readers, home-missionaries, in addition to local clergy, who have all been witnesses to this state of things. The Catholic priesthood, indeed, has been more intimately acquainted with this state of misery : but who ever thinks of consulting *them* upon any public matters, or employing them to furnish information, or suggest measures ? But now that cholera has paid us a second visit, and has not found our house swept and garnished, and therefore has quietly settled and made itself at home there, we are all in arms, and in alarms, for fear of a third call, and have loudly cried out for a change ; as though this state of things were of sudden growth, and all the cellars, courts, alleys, slums, bone and rag houses, and other unsavory dealings with offal, had suddenly sprung up, by a fungoid theory reduced to practice, and had not been long growing and strengthening, accumulating and concentrating, all their hideousness and pestilence, without the least notice or care on the part of the public. The poor had been suffering the penalties for years, and no one troubled himself : but the noxious nuisance has gone forth and assailed the rich, and the mischief has been enquired into. A complication of causes has been discovered, a terrible array of symptoms ; and remedies are being sought.

It is now discovered, as if for the first time in the world, that a great cattle market in the middle of the city is most unhealthy; that slaughter-houses are pest-houses; that cattle kept in cellars and close courts yield poison instead of milk, and carrion instead of meat; that bone-crushing, tallow-melting, fiddle-string manufacturing, hide-dressing, &c., are most ruinous trades to all but their pursuers; that church-yards swelled into embankments cannot long restrain the surging of death, which is pent up within them; that the mighty Thames is a huge ditch, and nothing better; that London is shockingly ill-drained, worse ventilated, and miserably supplied with water. These are all either simple truths or plain facts, which have been acknowledged for centuries, or known for years; but they take the public by surprise, especially because they come before it wrapped up in a haze of scientific preliminaries and deductions, which give the air of a grand discovery of the age. There are statistical details, occupying whole columns of newspapers, as to population and deaths, to establish the fact that more people die in a crowded neighbourhood near ill-buried carcases, than in open squares; there are measurements of the mileage of sewerage existing, and calculations of the gallons or tons of materials that flow through them; there are all sorts of subterranean and subaqueous mysteries unveiled to the public in awful terms; as "noxious gases, decomposition, miasma, effluvium, subtle poison, animal substances, &c., &c.," and this is mixed up with disquisitions whether the principle of cholera be a mushroom or a fly, whether it be endemic or epidemic; till we are all delighted to think how scientific the age is, what an amount of research and knowledge is brought to bear upon an important question; at the same time that we stand aghast to find that we breathe infection, drink poison, eat corruption, and carry on our commerce through a fetid sewer, and luxuriate on white-bait taken out of a sink. Yet ages ago every continental city, in which there is a decent police, had banished unwholesome trades to a distance, especially the very ones mentioned; long ago abbatoirs were established outside the gates, with officers to inspect every joint that is for sale; and those wants which we so much deplore, were fully supplied in countries which we speak of as semi-barbarous.

To go a little more into detail; a scientific traveller will,

perhaps, sneer at the clumsy aqueducts which bring water to Constantinople; or a learned lecturer will describe the aqueducts of Rome, those stupendous monuments of ignorance of the laws of hydrostatics. "A child now knows," he would say, "that water finds its own level," (here he proves it by an inverted syphon,) "and had the conquerors of the ancient world possessed but the science of the reader of one of Pinnock's catechisms, they would have known, that they might have conducted the stream of water through pipes from the hills to Rome, and that it would have risen again to its original level, and so have been easily distributed over all the city. In this manner immense sums would have been saved. Similar evidence of ignorance will be found in the aqueducts of modern Rome, Cavesta, Cordova, &c. How great an advantage then do we possess over the greatest nations of former times in that science which is now so universally diffused, &c." Now for our parts, we should prefer to have the water universally diffused rather than the science. For it comes to this, that be the anciently known methods scientific or not, their application was at least directed by common sense. Those cities had everywhere an abundant supply of the only thing which becomes a luxury in proportion to its abundance. They had or have enough water for drinking, for washing, for baths, for irrigation, for water-power, for refreshment of the air and streets, and for waste; the poor and the rich had it equally, at home and abroad; not from pumps with padlocks, not from turncocks' daily measurement, but in ceaseless flow from jet and fountain, sparkling, and bubbling, and dancing in marble basins. The gigantic aqueduct, bestriding half a province to reach its destination, if not a scientific, was an efficient and a beneficent construction. *We* say, if *we* had to carry water twenty miles, we should do it much better; and in the mean time, we have to carry it, and we don't. Which is better, the good sense, which, seeing the importance of an abundant supply of good water, makes use of the best means which is known to obtain and convey it, or the science which scoffs at the method, boasts that it knows one a thousand times better, and yet wholly neglects to employ it? Now, if the two must be disjoined, we own that we prefer the former. But why should they be sundered? Why should not the sense of ancient times inspire and direct the science of the modern? We should not

then longer hear of the dreadful beverage of the poor in London; of water filtered through grave-yards, and tanked in impure reservoirs, fit neither for cleanliness nor for refreshment, and enough of itself to drive those doomed to it to the beer-shop or the gin-palace. Only here, where science boasts of her resources, is the supply to the metropolis of the first essential of health, at least, after fresh air, left to private speculation, and, consequently, placed beyond the reach of the poor. And even so, it has now been discovered, that even the water, which companies supply, by their scientific machinery, is insufficiently filtered, abounds with animalcules, and ought to be boiled or re-filtered at home, before being drunk. So much for the boast of what science could do, but does not; but which good sense was able to do without it.

It is only now that the scientific discovery is being made, that there ought to be in London and other great cities, a good supply of water, and that this cannot be so as to benefit the poor, so long as it costs several guineas a year per house. But this necessity we humbly, because unscientifically, think, ought to have long since shown itself another way. There is no topic become more familiar to the public of late than that of drainage. In the country it has become almost as fashionable a pursuit for gentlemen, as preserving game and shooting it. But in town, it is the anxious occupation of noble and gentle commissioners, backed by a staff of engineers and scientific men. In fact, it is become a science, and all manner of experiments, we read, are being made in it. Yet in spite of all our proficiency in the art, and of our many resources, it is acknowledged that nothing can be fouler than the sewerage of London, that through the gratings lately opened into them, in obedience to some law of science, there comes forth a most noisome and poisonous vapour, and that, melancholy to relate, five persons fell victims in one day this year, to the pestilential breath of one of these scientific receptacles. Here again is one almost deluded into fancying, that we have fallen upon quite a modern discovery, and that no one dreamt of the importance to health of this expedient, or knew how to accomplish it till modern science taught its rules. Yet scarcely had Rome been settled by the squatters from neighbouring tribes, scarcely had she begun to take the forms of a government, when the drainage of the city was known to be of primary importance,

and the *Cloaca maxima*, (the very name of which proves that it was only the main sewer into which greater and lesser drains ran), was built by royal direction, and became a monument of Roman greatness. Now we are tempted to imagine the old king who built it called, in his shade, before a Committee of either house on the subject of sewers, and drainage, and to hear, in fancy, the strange unphilosophical answers which the rude Etruscan would make. They might run thus:—

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"1259. By Mr. Bore. Of what materials was your sewer constructed? Entirely of stone.

"1260. Bound no doubt by *Roman* cement? No, by no cement. I got huge stones half as long as myself. I brought them fifteen miles from the Alban hills, and I made a solid self-supporting vault, which you may see yet standing at Rome.

"1261. What engineers or scientific men directed the work? None but myself. We did not know much about such learned things in those days; we were plain people with a little common sense, and managed the matter by ourselves. I had plenty of good, strong, and willing fellows to labour under me, so we set to work and managed it very easily.

"1262. By what instruments did you take your levels, and determine your fall? I do not much understand you, but if I do, I can only say by my eye, and a careful inspection of the natural lie of the ground. You will, of course, remember that we, in our simplicity, made our drains before we built, as we had not science enough to wait till all the ground was covered with buildings, and then take levels above them, and make drains under them.

"1263. What system of trapping did you follow? I do not understand you.

"1264. What was your plan of flushing? I do not comprehend you.

"1265. What disinfecting agents did you use when your sewer had to be cleared and repaired? None.

"1266. Were not lives lost on such occasions? No: and for one good reason, it never required either. I built it large, and lofty, and solid, from the beginning. Men had not to crawl on all fours through it. Mæcenas went down it, in a boat mind you, and found it clear, savcurey, and after six hundred years, in thorough repair.

"1267. How could a boat float in the garbage and mud of a sewer? The purpose of a sewer is not to contain these things, but to carry them off. Mine was so constructed as to do this.

"1268. By Mr. Sense. How was this effected? By a plentiful supply of fresh water to the city, which, running all day and night

through fountains, and public reservoirs, and so into the drains, keep up a constant, powerful, living stream, which diluted all impurities that entered in, and carried them at once out, without suffering them to stagnate, obstruct, and ferment.

"1269. Then you think no drainage can be complete without a perpetual flow of fresh water into a town? No more than in the animal economy, the impure blood will be propelled forward without fresh blood being sent into the vessels. To think of purifying a sewer by driving through it accumulated impurities may be more scientific, but we preferred the more simple and natural mode suggested by our common sense.

"1270. Only one question more. You made the Tiber your main receptacle into which all your sewage flowed. Did this not tend to pollute and infect the stream? No: because, first, we had no tide in it, but a rapid current to the sea; and secondly, I took care to carry my sewer into Velabrum, below the inhabited bank."

We are of opinion therefore, that we are beginning at the wrong end, in scheming how to expel without providing an expellent power. We must bring in what is wholesome, if we wish to displace what is noxious. Liquids act differently from solids. The latter must be clean removed for others to occupy their place. The former will themselves displace, if exit be allowed to what is before them. This is the principle to be followed, with water as well as with air. Introduce a current of fresh air, and under proper arrangements it will purify, not by dilution, but by expulsion. The same ought to be done in drainage, and there will be a double gain.

There is one author, who, on all occasions brings sound sense to bear on his scientific researches, and again makes science carry out the suggestions of sense. We allude to Dr. Arnott. His theories on the subject of ventilation to which we have just alluded, are simple, intelligible to any sensible person, while they will bear the test of any scientific examination. His methods too, of attaining his proposed object partake of the same advantage: their very ingenuity consists of their simplicity. A letter which he has lately published, of scarcely a column in the *Times*, contains all that is worth knowing on the subject of ventilation; and another short paper by him in one of the publications before us,\* applies the principles of this subject to ships. When one considers the lavish expenditure, or rather the waste, of public money consumed in

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\* Report on Quarantine. p. 144.

Dr. Reid's experiments for the ventilating and warming the Houses of Parliament, when one hears of the expense gone to in trying various methods, in barracks hospitals, churches, and other public buildings, one is really tempted to exclaim, that modern science, when it comes to deal with plain and ordinary things, is little better than empiricism, not to use the more expressive term—humbug. The fact is, that such experiments and new methods proceed upon no principle whatever, and generally seek to combine conveniences or advantages that are incompatible. Science tells us most truly, that animal life is kept up at the expense of what is necessary for itself. If we did nothing but eat, and did nothing to produce food, or if nature did not take this duty into her own hands, of course we should starve. And in like manner every breath robs the air of a portion of that ingredient which is necessary for vital respiration, and surcharges it with an additional quantity of deleterious matter. It is clear, therefore, that if the process be repeated again and again upon the same bulk of atmosphere, this becomes more and more unsuited to life, and at length is perfectly a poison. Another breath of it, and it kills. When, therefore, a multitude is assembled together, as at a meeting of the Protestant Association in Exeter Hall, all breathing away at a furious rate, and all the harder Popery is hit, and the louder they shout against Maynooth, those good gentlemen little think in how many ways they are tainting the air about them, and poisoning one another. Among other modes this is one; that a number of persons are pumping oxygen out of the same portion of atmosphere, and of course the more pumps, the quicker the exhaustion. They therefore go home with a bad head-ache, and a deteriorated appetite, unable to distinguish whether these mischiefs proceed from Mr. Stowel's speeches, their own cheering, or—the *closeness* of the room. This last, and almost instinctive expression, hits at once the remedy. The room must be opened somewhere, and here begins the theory or practice of ventilation. You open a window, but the bald head of an elderly gentleman near it, tells him, and he tells the assembly, that cold air is actually raining on his pate with a copiousness and steadiness of supply, which must effectually preclude all exit to the foul air. It is like a crowd rushing into a building, and making it impossible for another to come out. The two get jammed together; and so the good air, only at most,

dilutes the bad ; but in reality it obeys a certain law of currents, plagues dozens of people, who beg to have that window shut, or they will infallibly take cold. And thus the alternative is between suffocation and rheumatism. An Englishman has an instinctive horror of draughts, that is, of air : and he insists on ventilation on the following bases. First, the foul air must be got out of the room. Secondly, no fresh air must be felt or known to come in. Thirdly, the room must not be made cold by the influx of the external air. To effect all this, has been the object of the expensive experiments alluded to : and the labour has proved vain. Dr. Arnott has put efficient methods within the reach of every one. The breathed air rises necessarily to the top of the room, and can only be got out there. By his ventilator, it has a passage into the chimney, where the natural draught being outwards, instead of inwards, as at the window, the deleterious atmosphere finds a vent. This being the case, the quantity of air that finds its way through doors and windows suffices to establish a current, the course of this being no longer entirely towards the chimney, but wherever the air in the room yields, by having an exit. And as the rarified air forms the upper stratum, this is most easily impelled by the elastic pressure from below, and is driven out.

But Dr. Arnott's simple invention does not stop here. Where many breathers are collected together, as in a church, a school, or a workshop, the ingress of fresh air will not be proportionate to the consumption, and an artificial impulse is necessary. This he has effected by means of a pump ; the more easy and simple one of two, being the swing- pump, a simple machine which may be made by any packing-case maker, at the cost of thirty shillings. A boy may work it, and draw off the foul air, for which, of course, an equal quantity of fresh air is necessarily substituted. Further, where it is advisable to keep an even temperature, as in the Brompton consumption hospital, and in barracks, where fires are inconvenient, the pump, worked by steam, propels exactly the given quantity of fresh air required by the inmates of the place, but warmed to an even temperature, by first passing between hollow copper plates, or leaves, filled with hot water. And thus, ventilation and warmth are combined, by the most simple means, and without any great expense.

This problem of comfort is a most difficult one to solve.

We wish to make the very laws of nature bend to our convenience. We insist upon every thing being made perfect ; every window must be air-tight, every door must close hermetically, and perhaps be made double ; a series of outposts in the shape of doors at the end of every passage, guard our apartments from the intrusion of a breath of exterior air, even if the street door open ; every corner and crany is explored, and every crevice is puttied or pasted over, through which we are sure to feel a draught, and then we complain that our chimney smokes, and that our room is excessively close. Even the abode of royalty has not been exempt from this curse of smoky chimneys, because every thing was too well made ; and it was found necessary to admit draughts, in order to cure it. With all our science, or rather with too much science, we have not yet learnt a remedy for this most domestic of all plagues. Year after year you will see a model, or perhaps more than one, in the Polytechnic, of some chimney top, which infallibly prevents smoke. There is a lecture upon it ; which gives a theory, no doubt most scientific, and based on sound principles, showing why every other plan has failed, and why this *must* succeed. Then comes the experiment of a baby house filled with smoke, which, by the action of the chimney, is miraculously cleared out. And yet unhappily the real nuisance remains unabated, and the beautiful theory fails utterly in practice. Now this again, to our minds, arises mainly from the same fault, of our wishing to bring nature's public arrangements to give way to our domestic ones. She has legislated on a large scale, and made the laws of currents, as yet mysterious and almost hidden, to rule the grandest and most awful phenomena of her kingdom—the storm, the hurricane, the tornado, the simoon, the trade-wind, the land-breeze, and the poetical zephyr, are all so many results and exponents of her laws, so many data by which their theory is to be constructed. But we expect them all to obey the superior law of comfort ; we insist upon constructing our flues and chimneys and fire-places according to certain fashions, and rules of architecture, or in compliance with certain ideas of skill ; and then we insist that dame Nature shall come into our views, and not presume to put her mandates in opposition to ours. One complains of the nasty east wind, because it always makes his chimney smoke ; another cannot understand how the north wind should always drive a down-

draught, with its denigrating consequences, into his drawing-room.

Now let us consider how we set about, first defying the winds, and then trying to battle with them. One of the first things that a modern builder must take care about, is how he stacks his chimneys. Look at the gable of an unfinished row of London houses, you see it completely scored with white lines from top to bottom, making every sort of curve and meander, two always running parallel. These are the channels of all the chimneys of the next house, the courses traced out whereby the streams of smoke shall flow, till they discharge themselves into their native element, the superincumbent ocean of fog. Here is the builder's science. It does not consist in seeing how the natural laws of air in motion will act, and how under any, or every, given circumstance, the chimneys will have draught; that is not his concern. All that he has to think of is, how, by hook or by crook, he can get the whole of the flues into one wall, and get the mouth of each into the level line of chimney tops which must run fore and aft between two roofs. Or if the house be a square, detached, residence, as it is called, the owner probably insists that there shall be but one stack in the middle; and flues are sometimes carried round three sides of a room, to get them into the right channel. Ask the builder if it will not smoke. That is not his business, he has only to look to the neatness of the building; the disfiguring process which ensues does not come into his first contract. It will form a future bill. It amuses us, occasionally, to see the sort of vegetation, or growth, to which these domestic appendages are infallibly subject. One of the earliest demonstrations that one of these new terrace houses has been let, consists in seeing an additional chimney-pot on the top of two or three of the original ones. When once this first sprout has made its appearance, a rapid growth takes place. Soon, a tall pipe is seen to protrude, then this puts out horizontal arms at the top, without any head, a sort of fuliginous scare-crow turning round in the wind. Then these arms get elbows, and send forth shoots. Next comes perhaps a head with a sort of vizor, swinging about very sharply and angrily at every puff of wind, like a testy knight-errant in armour, (a figure that would make a most elegant chimney-pipe;) and then perhaps the whole, always rising in height, is crowned with a hood and feather, or arrow, or

vane, as if to put a finish to the work of modern constructive science. Any one walking the streets of London, or rather passing over them on a railway, will be amazed at the ingenious variety of these contrivances. Every imaginable bend, twist, curve, knee and joint, every conceivable head-piece, every possible position for the exit of smoke, every unnatural inclination and deviation from the perpendicular will be found in this absurd mode of remedying a systematically propagated evil: till even the old telegraph, with its mountebank motions, could not have rivalled their strange postures. Now the architect when he planned the house, and the builder when he erected it, and the tenant when he took it, were all quite assured that it must come to this: they knew that these hideous excrescences would and must necessarily spring up. But they were necessary consequences of a system, of the orthodox established mode of co-ordinating chimneys; shops and warehouses were awaiting the coming and certain crisis, full of these fanciful shapes, all ready to be exalted to the house-top. It is not an accident in house-building, that they should mount thither; it is a foreseen, and calculated, fact. It is a part of architectural science to overlook totally the real object of a chimney, which is to carry out the smoke, provided it will only carry out the design of a neat symmetrical building.

Now abroad they have not yet become so scientific, and consequently they are not plagued near as much with smoky chimneys. The old architects also, whether of the middle ages or of the *renaissance*, did not put themselves much out of the way to procure a great confluence of smokes. If two or three flues happened to be near, they grouped their tall and elegant chimneys together. But if not, they allowed them to run straight up, and each to smoke most independently. They had not need to trouble themselves in the old days, about want of draught to send the smoke up their capacious chimneys. The great hall, in which the fire blazed, often opened straight into the air, and the massive oak planks and iron hinges of its door, fastened to the stone door-posts, did not allow a very close fit. The window casements too, permitted a pretty free admission of pure air. But as the piled-up wood sparkled, and crackled, and the blaze roared up the chimney, it lit up the beaming faces of men clad in good leathern jerkins, with perhaps hooded coats, the best security against

draughts, and dames snugly wrapped in honest linsey-woolsey of home-spun solidity. They took a common sense view of these domestic arrangements; they did not pretend to have the theory of atmospheric currents, and therefore they submitted to them. They took the straightforward way about things; they sent out their smoke by the shortest road, and run their chance, much the best one, of being right; they had a brighter fire and less smoke by not being over careful to exclude air; and they protected themselves against its damaging influence by substantial clothing. They lived a cheerful race, they reached a good old age, without much influenza or much physic; and we do not believe that their discomforts were greater than ours, although they knew so little of science.

What we have just said brings before us another branch of modern science, which we fear may easily invade our personal, more than our domestic interests. We trust that the day may be very far distant, when man will be subject to a thoroughly scientific treatment. And yet we see symptoms of an approach to such a plan. There was a time when man, the animal, was supposed to be composed of certain visible substances, some solid and some liquid, which assumed certain definite forms, and performed obvious functions. Our old physiologists were content with considering his body as consisting of bone, cartilage, membrane, muscle, and so forth; and as containing blood, bile, lymph, and a variety of other fluids and juices. He lived exceedingly well under that theory, and died in his good time, dosed and doctored according to rules conformable to it. But by degrees he was more accurately studied, and science, instead of anatomising, set to analysing him; in place of examining what he might be cut up into, it was investigated what he might be boiled down to. It was discovered that this complicated body of his was only composed of three organic substances, gelatine, fibrine, and albumen. And as though he had not been yet reduced sufficiently low, he was proved to be only a collection of chemicals, and those three components are shown to be nothing more than three gases, oxygen, hydrogen, and nitrogen, combined with one poor solid, carbon. So true it is, that when this mortal frame of ours is dissolved, and all the gaseous portion of us melts into thin air, ashes literally alone remain—dust and ashes! These discoveries are exceedingly interesting, and very important; but we own

we dread their becoming too much the basis of "treatment" in sickness and in health. However true the theory, and none can doubt it, we should abhor almost as much as a return to the old theory of humours, to see poor humanity handled upon the basis of its constituent elements, and either its medicines or its food regulated on the principle of establishing a proper equilibrium among its simple constituents. The sense of nature would be contrary to such a science. In the first visitation of cholera, it was decided by some theorists, that the disorder arose from a deficiency in one of the ingredients of the blood, and the direct course was adopted of communicating it to the circulation. Now nature never takes up substances pure, but loves to elaborate them after her own fashion. There is iron in the blood, but no one supposes that the application of cold steel to the pores of the face each morning, or the occasional handling of the fire-irons in the day, exercises the slightest influence on the appropriation of this metal by the system. Whether in the gold regions of the west, or amidst the sands of Africa, our veins will find their colour, though the miner may not find a single vein of that metal in the entire continent. And our little "Kosmos" contrives to make its chalk formation in the joints of the gouty, out of port-wine and highly seasoned viands, without the aid of London milk: for, we believe, it is agreed by geologists, that the "London basin" contains a considerable chalk deposit. Nature thus has her own roundabout way of getting what she wants; and does not like to have it forced upon her. We must not give her the flour ready made and sifted: she would rather have the corn, and be left to grind it in her own mill, and work it up according to her own processes, into whatever she needs. While, therefore, there is a tendency in physiological and medical pursuits to deal too intimately with her powers, and endeavour to shorten her operations, we cannot but fear that this may lead to rash systems, and dangerous results. Good sense would suggest, that the great aim of all sanitary treatment, and medical investigation, should be, by the one, to endeavour to stimulate nature's own powers, and, by the other, to discover how this can be done. To second and to regulate her own efforts to retain or recover her normal condition, is the rightful, sensible, and noblest purpose of true science.

In many points we may sincerely congratulate ourselves on the triumph of good sense over false science; and in no department more than in these pursuits. Why do we now see so few crippled and distorted limbs, so few deformed frames, compared with what used to be? No doubt, because we have abandoned all scientific ways of swathing, bandaging, and tying up children: we have learnt to let them grow up to a certain age as "noble savages," with free limbs, and copious applications of cold air and cold water to them; in other words, *mother-wit*, which is instinctive common sense, has been allowed to take the place of learned theory. Our forefathers used to consider a periodical blood-letting quite essential to health: it was most scientifically proved essential to it. Common sense has prevailed; and the lancet is scarcely known to thousands, except as the title of a newspaper, or an advertising appellation of a new razor. The same good sense has ruled us in other matters, especially as to clothing; though not as yet to the extent to which it should. However, the move is in the right direction, towards the free and easy. The arteries are becoming every year less compressed, the joints less hampered, the body less straitened, the pores less closed, the neck less strangled, and the head less bound. Even the hat and the wig are getting furnished with ventilating apparatuses; so that the two most unnatural of all outward accoutrements have become comparatively innocuous. Let us however draw our crude remarks to a close.

3.

A strange year is this which is just closing upon us, and upon the century; leaving us but one more—its jubilee year, to finish its first half with better auguries for the next half, than we see surround us now. It appears as if the present year had been sent to humble our pride, and baffle our skill, and confound our science. It has made the high-born, and the daintily bred familiar with thoughts and sounds, and sights, from which they would have before shrunk with horror. During it, the bills of mortality were grasped, each morning, with trembling hand, and the number of yesterday's dead was counted, and scored against the preceding day's, and the catalogue of loathsome diseases was scanned and analyzed. Men then cared somewhat for how many poor died, and longed to see the ebb set in, in that tide of mortality. For the surge washed up to the very door of the rich, and thun-

dered against the dams which wealth had raised between itself and the ills of poverty. The earth seems to have yawned before us, and disclosed its unholy mysteries. We have been led by the hand through its dark alleys, and taught to mark and note each foul thing that creeps or floats through them, down slowly to the poisoned bed of the river. We have been discoursed to of the reeking pestilence that exhales from the surface of those subterraneous streams, and have been lectured on the fatal elements that compose it, till we believed we were living over a mine ready charged, and only awaiting some signal to explode, and scatter all living things in irretrievable destruction. We have seen the graves swelling and writhing with the life of corruption, as though in the throes of a new plague-birth; the black soil from the church yard's side, oozing into the dwellings of the poor, its liquid drainings trickling into their wells; its subtle vapour stealing into their windows; and grave opening into grave, the recent dead falling into the embrace of ripe and rank corruption, steaming upwards to earth, through the opened avenue. And through all this loathsome subsoil, these dregs and offscourings of earth's mortal things, there run glittering veins of liquid metal, as though escaping from the spoils of death. And what do they prove to be? Not gold from those who, with one hand, wash the sands of California's Pactolian streams, and with the other hold the ready steel; but whom a more daring hunter after gold has surprised with the rifle, not till after the metal had ingrained itself into their pores. Not silver from the spoiler of temples, or sanctuaries, whom human or divine vengeance has overtaken in the south, and who, like Achan, has perished and been consumed with his ill-gotten wealth about him. No: it is the poisonous metal from the corpses, of infants whom their mother has slain, of husbands whom their wives have coolly murdered, which even the grave in its corruption has retained; destroying all but the destroyer, consuming the victim, yet holding fast the witness to the foul deed. Such indeed has wise, philosophical England disclosed to wandering nations, this year in rank abundance. And from such a soil what has grown and flourished? The gallows-tree more laden with the fruits of vicious, irreligious times than ever before; with a heavier growth of depravity, with more desperate, fiendish crime than a generation has seen. And round its foot our

populace was dancing as at an orgy, making merry at its lessons. Surely then we have much to do, much to amend, which scientific instruction will not effect. We have moral teaching, moral training to give the people, which we are in danger of forgetting, while we are making them content with more worldly and philosophising thoughts.

May the rest of the century be as successful in this first pursuit, as the past portion has been in the second. And thus may a just balance be established; and a satisfactory arbitration be made in the great cause of Sense v. Science.

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### NOTICES OF BOOKS.

- I.—*A Christmas Gift for Thoughtful People; or Reflections suggested by the Present State of Religious Parties in England.* Burns, Portman St., 1849.

This is a most valuable pamphlet; would that its name might procure it a welcome wherever Christmas is honoured in this our dear and blinded country. This we can truly say, that whoever desires a memento for some "thoughtful" and amiable protestant society, in which he takes warm interest, may safely send them this pamphlet. It is written by a convert, one who knows Protestants well, and has addressed himself with peculiar tact to the various phases of their bigotry, indifference, and specious self-applauding delusions; and he presents to them Catholic truths in their most elevated and thoughtful aspect; Catholics themselves will not read without delight his commentary upon, and enforcement of, the beautiful fitness of the holy service of the Mass.

- II.—*The Way to Heaven: a Manual of Devotion.* by the Very Rev. John Baptist Pagani. London; Burns, 17, Portman St.

The first part of this Manual consists in an exhortation to prayer, together with the most solid instructions upon the method of prayer, the advantages to be gained, and the dangers to be avoided therein; written with all the unction that might be expected from the venerable author: in the same spirit follows a treatise upon the Mass, and upon the sacraments of confession and communion; and

after these admirable instructions, the Christian is assisted by a choice collection of prayers, short litanies, and aspirations to the B. Sacrament, to the Sacred Heart, to the passion of our Lord, and to our Blessed Lady. We cannot doubt that we have said enough to give to all Catholics a high idea of the value of this prayer-book.

III.—*The Lives of Father Joseph Anchieta, of the Society of Jesus; The Ven. Alvera Von Virmundt, Religious of the Order of the Holy Sepulchre; The Ven. John Berchmans, of the Society of Jesus.* London, Dublin, and Derby: Richardson and Son, 1849.

Two of the three great saints whose lives are recorded in this volume, are of the illustrious Society of Jesus; in almost every other respect their lives were different. The one, Father Joseph Anchieta, became early in life deformed; he was nevertheless sent to the Brazils in 1553, and there, amidst war, wretchedness, and crime beyond description, lived to a venerable age, in the arduous career of a missionary, as illustrious for his miracles as for his virtues;—the other, the Venerable John Berchmans, was a beautiful youth, who never left the walls of his college, where he died at the age of 22, the very flower and model of novices, but in whom God was pleased to show forth no wonders, except his miraculous innocence and devotion; as if to show that these were indeed a glory which none other could surpass. Most interesting it is to observe the workings of the same Spirit, in lives so otherwise contrasted. The life of the venerable nun, Alvera von Virmundt, is shorter, yet nothing seems wanting in it for edification.

IV.—*The Church's Holy-days the only Safeguard against the Desecration of the Lord's Day*, by WILLIAM GRAFEL, B.A. London: Masters, 1848.

The obvious truth set forth in the title, is clearly and well enforced in this little pamphlet: excellent *as far as it goes*.

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